



City of Charleston

BOARD OF ZONING APPEALS-ZONING

August 3, 2021

5:15 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

www.charleston-sc.gov/bza-z

****Video and microphone is currently disabled for all attendees.****

This meeting is being recorded.

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Zoom Meeting Protocol

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation
- Staff presents application and City's recommendation. Staff will control slide presentation
- Staff announces comments received and whether anyone has signed up to speak
- Applicant, after being sworn in, will be allowed to present their application if opposition or questions are raised, followed by public comments from pre-registered attendees in favor. Each speaker will be sworn in before speaking
- Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in
- Staff then recognizes the applicant for a short rebuttal before Chair closes public comments and begins Board discussion

Providing Comment:

- People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
- Your microphone will be disabled after you are finished speaking.

Board of Zoning Appeals-Zoning

Your Board of Zoning Appeals-Zoning Members are:

Michael Robinson - Chair	Howell Morrison
John Bennett	Robben Richards
Allison Cannon Grass	Geiza Vargas-Vargas
Walter Jaudon	

Your City of Charleston Staff are:

Lee Batchelder, <i>Zoning Administrator</i>	Pennye Ashby, <i>Senior Planner</i>
Scott Valentine, <i>TRC Coordinator</i>	Vanessa Ellington, <i>Clerk</i>

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.

Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Agenda Item #A-1

Approval of July 20, 2021 BZA-Z Minutes

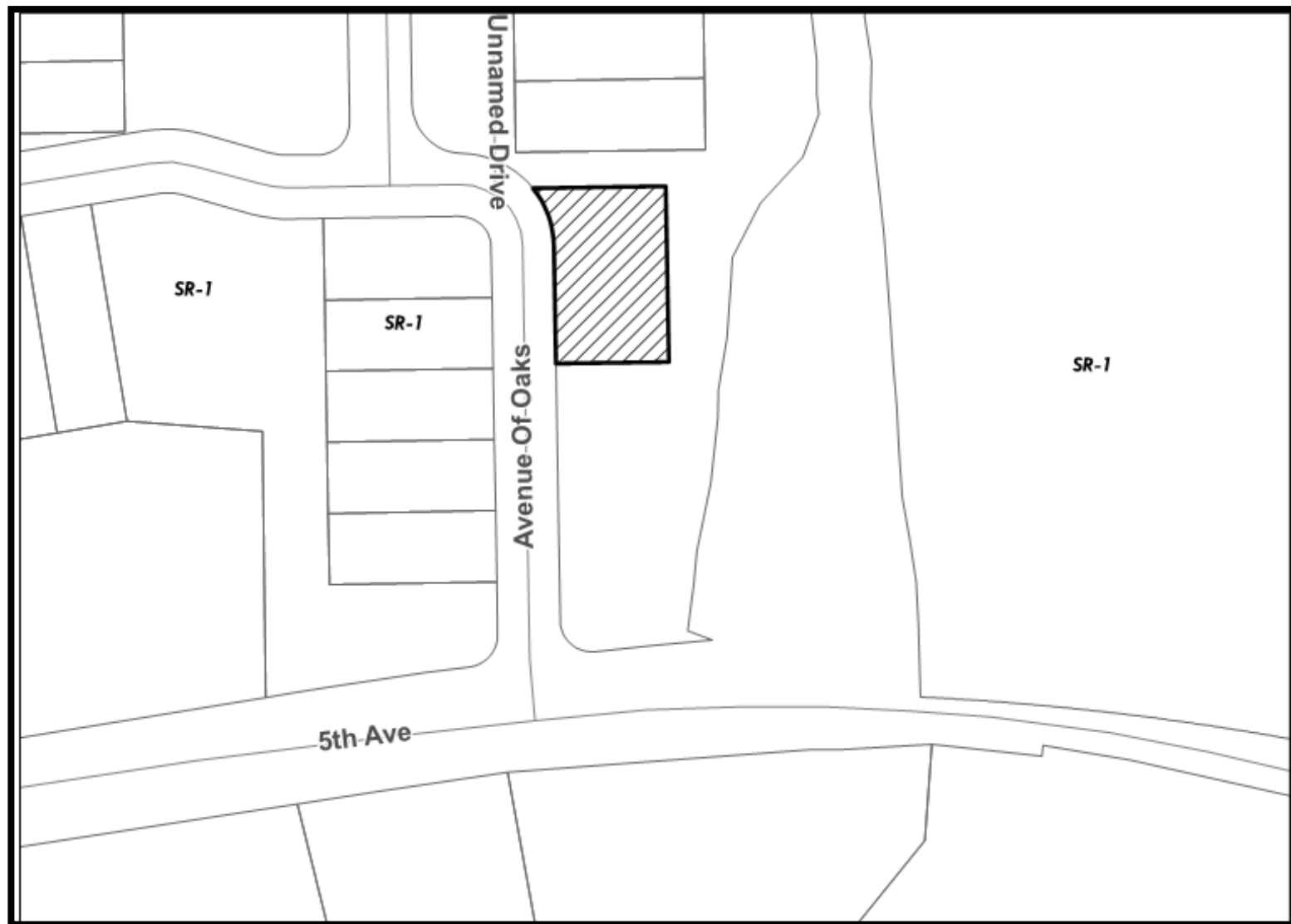
(click on link below)

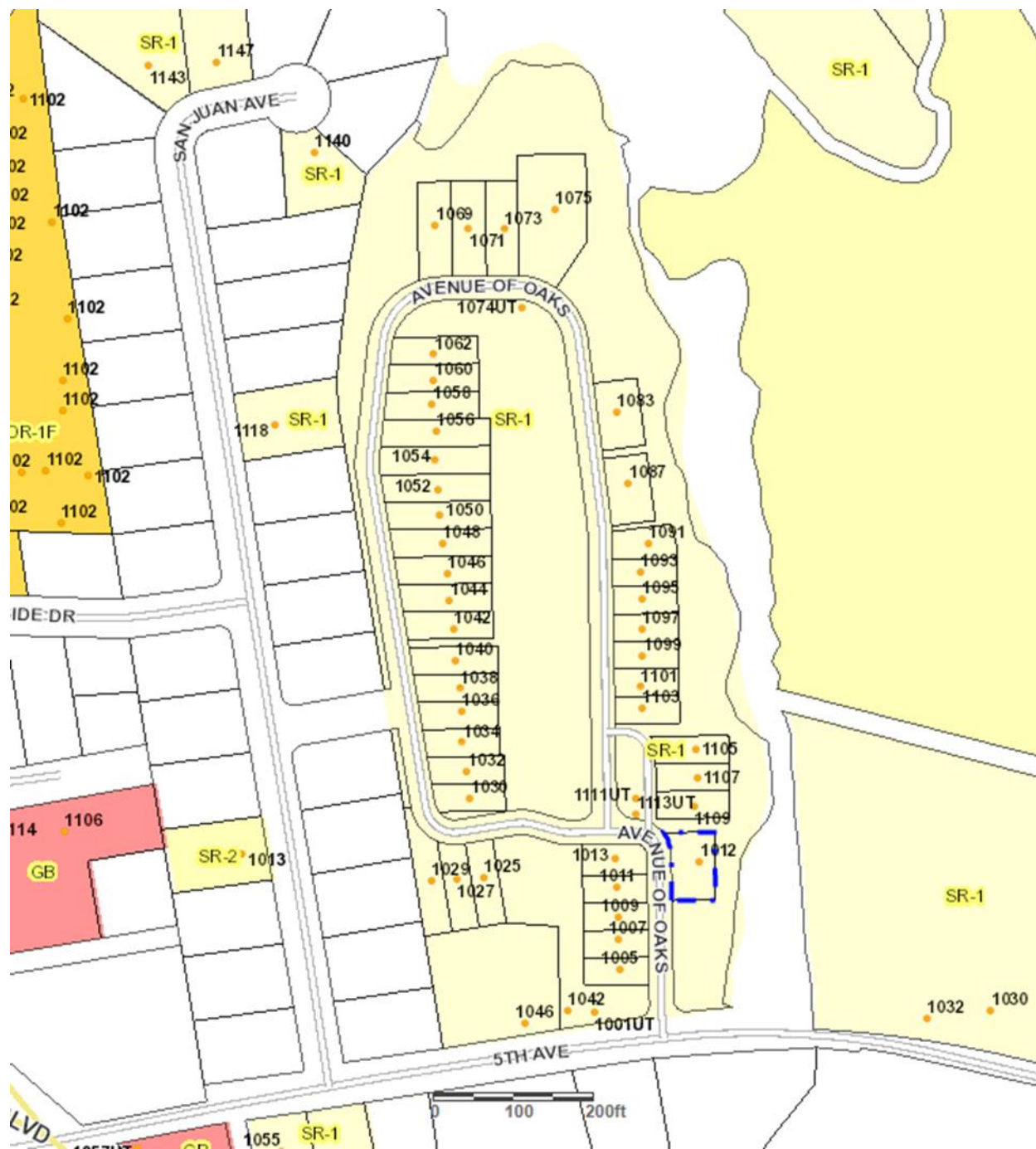
[https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/ 07202021-6700](https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/07202021-6700)

Agenda Item #A-2

1012 AVENUE OF OAKS
(MARYVILLE/ASHLEYVILLE)
TMS # 418-06-00-124

Request an appeal of the Zoning Administrator's decision to deny building permit on the grounds that the proposed home exceeds the 2 ½ story height restriction for the SR-1 (Single-Family Residential) zone district under Sec. 54-301, because the home's designed drive under garage constitutes a 3rd story under Sec. 54-120





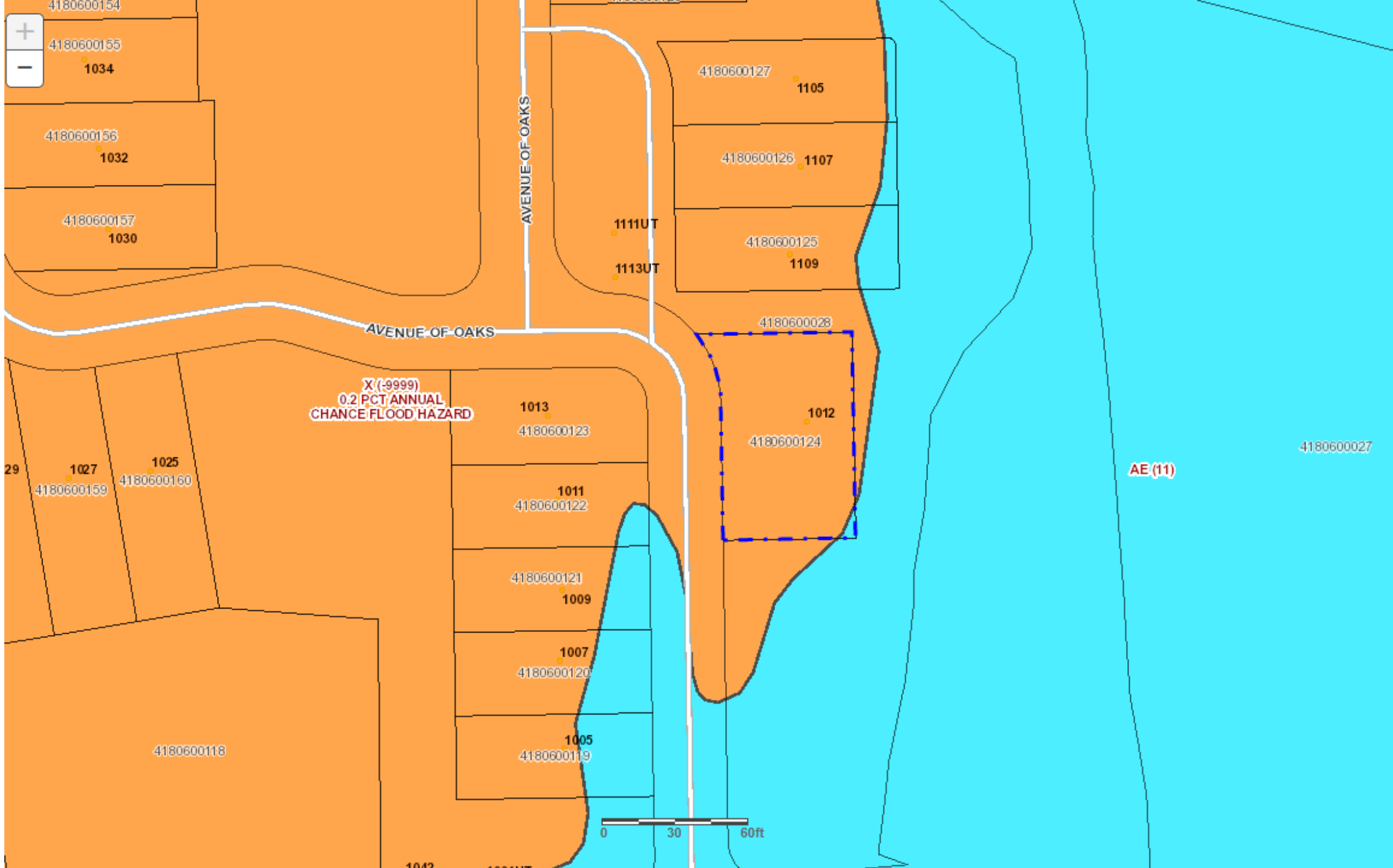


TABLE 3.1: HEIGHT, AREA AND SETBACK REGULATIONS^{5/9}

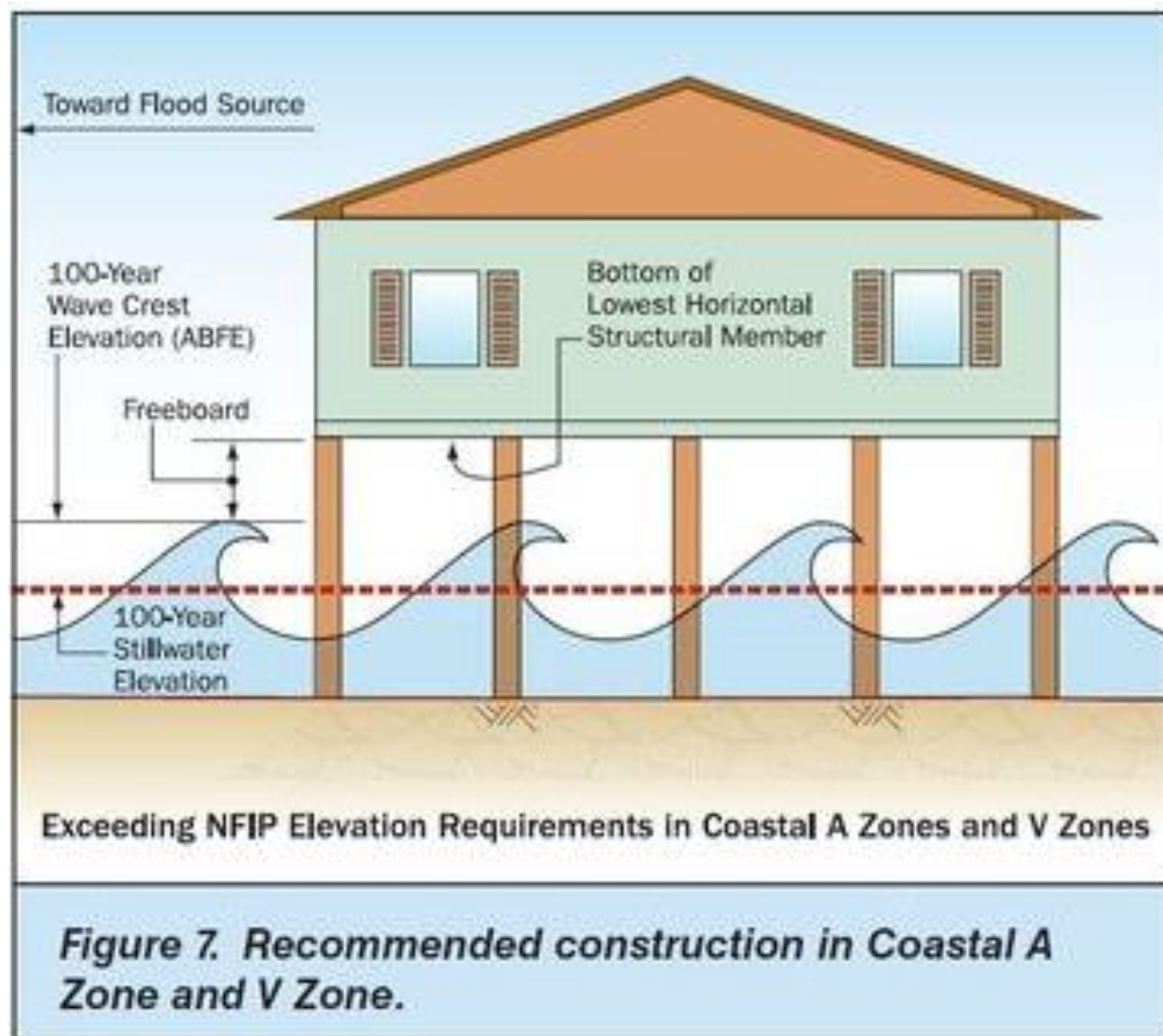
Abbreviations: N/A - Not Applicable, NR - Not required.
 Numbers in () indicate number of units per acre.
 May 15, 1996

	Front and Rear ^{10/17} Setback Minimum Depths			Side Setbacks- Minimum Widths			Minimum Lot ¹³ Area per Family in square Feet-Type Dwelling Unit					
Zone District Designation	Total	Front	Rear	Total	South/ West	North/ East	1-Fam.	2-Fam.	Multi-Fam.	Maximum ² Percent of Lot Occupied by Buildings	Max Height Limits ⁵ Structures	Max. Height Limits ¹⁶ Fences/ Walls
SR-1 ²¹	50'	25'	25'	18'	9'	9'	9,000(4.8)	NA	NA	35%	35/2½ str.	6'

Chapter 54 Zoning Ordinance

Sec. 54-120 Definitions.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it.





Google



1 - RAILING DTL. ELEV 'A'
1/4\"/>



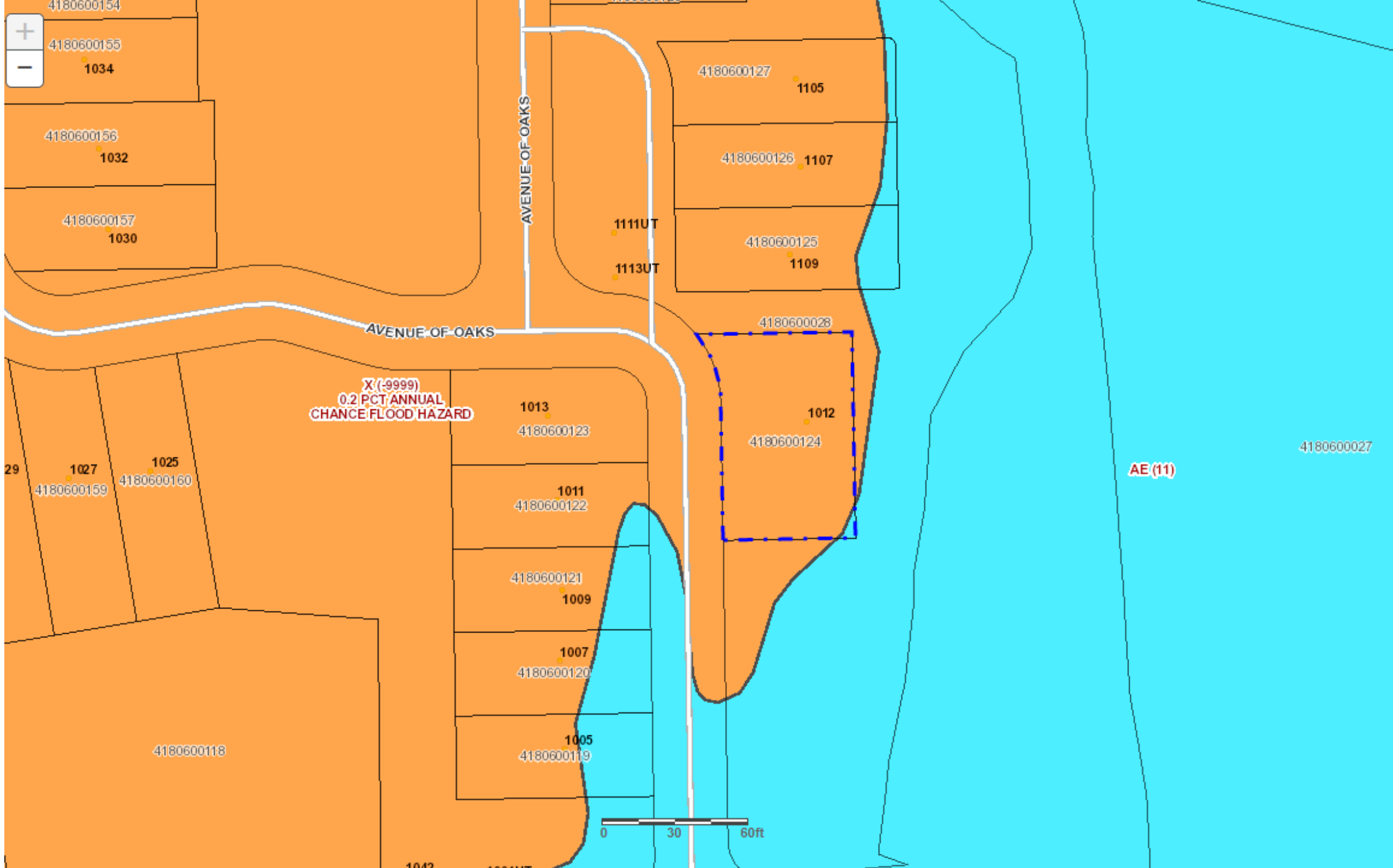
FRONT ELEVATION 'A'
1/4\"/>

CRESCENT
HOMES
5775 Sonoma Highway
Chattahoochee, South Carolina
Fax (843) 482-2128
Phone (843) 575-5533


CHARLESTOWNE
AVENUE OF OAKS


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PLAN NAME	
REVISIONS	
DESIGN BY	DA
DATE	2/09/21
ADD NO.	
TITLE	FRONT ELEVATIONS
SHEET	A1-A



832 Minnie St
Charleston, South Carolina

 Google

 Street View



Google





City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☒ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: June 15, 2021

Property Address 1012 Avenue of Oaks, Charleston, SC 29407 TMS # 418-06-00-124

Property Owner Crescent Homes SC, LLC Daytime Phone 843-573-9635

Applicant E. Brandon Gaskins, Esq., Moore & Van Allen PLLC Daytime Phone 843-579-7038

Applicant's Mailing Address PO Box 22828, Charleston, SC 29413

E-mail Address gaskinsb@mvalaw.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Representative/Attorney

Zoning of property SR-1

Information required with application: (check information submitted)

- ☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant /s/ E. Brandon Gaskins Date 5/17/2021

For office use only	
Date application received _____	Time application received _____
Staffperson _____	Receipt # _____
Fee \$ _____	



Appeal for Reconsideration to the
Board of Zoning Appeals – Zoning (BZA-Z)

Page 1 of 2

City of Charleston

Applicants appealing for reconsideration of a Board decision or decision of the zoning administrator must submit the following information with the BZA-Z application and fee, to the Permit Center at 2 George Street:

In the case of an appeal for **reconsideration of a Board decision**, applicant shall state below the grounds upon which it is considered that the Board misapprehended or misconceived the question or questions involved, or the ground or grounds upon which it is considered that the Board has erred in its finding or disposition of the appeal, application or matter (add as an attachment if necessary). **THE DEADLINE FOR SUBMITTING THIS APPEAL FORM WITH THE BZA-Z APPLICATION AND FEE IS THE CLOSE OF BUSINESS ON THE 5TH BUSINESS DAY FOLLOWING THE DATE OF THE BOARD DECISION BEING APPEALED:**

In the case of an appeal for **reconsideration of a decision of the zoning administrator**, applicant shall state below the interpretation(s) of the Zoning Ordinance being appealed, how the applicant is aggrieved by the interpretation(s), and what the applicant contends is the correct interpretation of the Zoning Ordinance (add as an attachment if necessary):

The City has denied a building permit for 1012 Avenue of Oaks on the grounds that the designed home exceeds the 2 1/2 story height restriction for the SR-1 zoning district under Zoning Code Section 54-301 because the home's designed drive-under garage constitutes a "story" under Zoning Code Section 54-120. For the reasons set forth in the attached letter, a drive-under garage should not be considered a story, and the City's interpretation is in error and contrary to the purposes of the zoning ordinances.

Signature of Applicant ___/s/ E. Brandon Gaskins_____ Date 5/17/2021_____

For office use only

Date application received

5/17/21

Time application received

11:47

Staffperson

P.A.

May 17, 2021

VIA EMAIL

Board of Zoning Appeals – Zoning
City of Charleston
2 George Street
Charleston, South Carolina 29401

E. Brandon Gaskins
Attorney at Law

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F 843 579 8738
brandon.gaskins@mvalaw.com

Moore & Van Allen PLLC

78 Wentworth Street
Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

Re: *Crescent Homes SC, LLC*
Appeal of Denial of Building Permit for 1012 Avenue of Oaks

Dear Members of the City of Charleston Board of Zoning Appeals:

Pursuant to S.C. Code Ann. § 6-29-800(A)(1) and City Zoning Code § 54-926, I am writing in support of Crescent Homes SC, LLC's appeal of the City Planning Department's denial of a building permit for 1012 Avenue of Oaks in the Avenue of Oaks subdivision in the City of Charleston. As explained in more detail below, the City denied Crescent Homes' building permit application because the designed plan purportedly exceeds the 2 ½ story limitation for the SR-1 zoning district. This conclusion is based on the interpretation that the home's designed drive-under garage area is a "story," as defined by the City's zoning code. This interpretation impacts not only 1012 Avenue of Oaks but eight other lots that are planned to have drive-under garages.

The City's interpretation is in error because it conflicts with the City's ordinances and is not supported by the text of the applicable zoning provisions. Moreover, the City's interpretation is contrary to the purposes of the City's zoning ordinances because it will encourage inconsistency in the subdivision's home designs as a result of the City's prior approval of other homes with drive-under garages. In addition, it will discourage elevated home designs intended to protect property and residents from the threat of flooding.

I. Factual Background

Crescent Homes is the owner and builder of residential lots in the Avenue of Oaks subdivision in the Maryville neighborhood of West Ashley. Avenue of Oaks is in zoning district SR-1, and it was developed subject to the cluster development requirements under Zoning Code §§ 54-299.11, *et seq.* The final plat of Avenue of Oaks with 42 developable lots was approved by the City in March 2020. (Ex. 1 – Final Plat.)

Avenue of Oaks is adjacent to the marshland of Oldtown Creek. As a result, it is in a relatively low area and has a higher risk of flooding. At the time the final plat was approved, all residential lots were in Flood Zones AE-14 or AE-13, which are special flood hazard areas under Code § 27-105. (*Id.*)

In the SR-1 zoning district, the maximum height for structures is 35' and 2 ½ stories. (Zoning Code § 54-301.) Under Zoning Code § 54-120, "story" is defined as "that portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above, then the space between such and the ceiling next above it." Although the City has not always interpreted this term consistently, the City's Planning Department recent interpretation of

“story” has not included unfinished drive-under areas if such areas are within a flood zone. (Ex. 2 – Email re: Past Interpretation of Story; Ex. 3 – Email from L. Batchelder, 3/8/21.)

Based on that interpretation, Crescent Homes designed 22 of the lots with a drive-under design and two stories of living space over the drive-under area. Of those, 13 lots have already received building permits from the City.

In January 2021, FEMA’s revised flood maps for Charleston County became effective pursuant to City Ordinance No. 2020-140. Under the new flood maps, 25 of the lots are now within Flood Zone X, and the other 17 lots are now within Flood Zone AE-11. (Ex. 4 – Plat w/ New Flood Zones.) Of the 25 lots that are now within Flood Zone X, 9 lots utilize the drive-under design but do not have building permits.

On March 29, 2021, Crescent Homes applied for a building permit for 1012 Avenue of Oaks (Lot 6). (Ex. 5 – Permit Application.) The permit application included a schedule of building plans depicting the design for the home. (Ex. 6 – Building Plans.) The building plans show two-stories of living space supported by piers and over a drive-under that serves as the home’s foundation. (*Id.*) The building plans also show that the drive-under garage is unfinished and unheated. The garage’s side and rear have louvered wood exterior walls, and the front of the home has two garage doors surrounded by brick exterior walls covering the piers. (*Id.*)

On April 15, 2021, Sean Killion, Associate Planner for the City, emailed Crescent Homes to provide notice that the proposed design for 1012 Avenue of Oaks did not comply with applicable zoning requirements. According to Mr. Killion, “[T]he proposed design has a drive under in an X flood zone. This would make the house 3 stories and therefore non-conforming to the SR-1 regulations. Please revise for zoning approval.” (Ex. 7 – Killion Email.)

This appeal challenges the City’s determination that the drive-under garage for 1012 Avenue of Oaks, as well as any other unpermitted lots in the subdivision with a drive-under garage in Flood Zone X, is a story under the City’s zoning ordinances.

II. Argument

This appeal raises the issue of whether the City’s planning department erred in denying the building permit for 1012 Avenue of Oaks based on its interpretation of the term “story,” as defined by Zoning Code § 54-120. As such, this case involves a matter of construction of the City’s zoning ordinances.

In reviewing a zoning ordinance, the Board should give the ordinance a “practical, reasonable and fair interpretation consonant with the purposes, design, and policy of the lawmakers.” *Boehm v. Town of Sullivan’s Island Bd. of Zoning Appeals*, 423 S.C. 169, 184, 813 S.E.2d 874, 881 (Ct. App. 2018). The ordinance’s language must be construed in context, and “the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute. The language must also be read in a sense that harmonizes with its subject matter and accords with its general purpose.” *Id.*

In analyzing zoning ordinances, courts and zoning boards should be guided by the well-founded principle of law that:

Statutes or ordinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose. It follows that the terms limiting the use of the property must be liberally construed for the benefit of the property owner.

Helicopter Solutions, Inc. v. Hinde, 414 S.C. 1, 13, 776 S.E.2d 753, 759 (2015). Furthermore, zoning ordinances must be construed “to allow people to use their property so as to realize its highest utility” when the ordinances are drafted so that people do not have a clear understanding as to what they are permitted to do with their property. *Kean/Sherratt P’ship by Keane v. Hodge*, 292 S.C. 459, 465, 357 S.E.2d 193, 196 (Ct. App. 1987).

In this case, the City’s interpretation of “story” as including unfinished drive-under garages is in error because the City’s ordinances demonstrate that City Council did not intend for such areas to be a “story.” As stated above, the zoning code defines “story,” in pertinent part, to mean “that portion of a building included between the surface of any floor and the surface of the next floor above.” Zoning Code § 54-120. Therefore, whether a drive-under garage constitutes a “story” necessarily depends on whether it is a “floor.”

Although the City’s zoning code does not define “floor,” City Council defined that term in its stormwater management ordinance. As a result, it is appropriate to look to that ordinance for guidance in determining the meaning of “floor.” See *Mathis v. Hair*, 358 S.C. 48, 53, 594 S.E.2d 851, 854 (2003) (considering definitions of term in other statutes to determine statutory term’s meaning); *United Sav. Ass’n of Tex. v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 371 (1988) (“Statutory construction . . . is a holistic endeavor. A provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme.”); *Brown v. Gardner*, 513 U.S. 115, 118 (1994) (looking to how ambiguous term is used in analogous statutes). This principle is especially applicable here because the City’s interpretation of “story” depends on whether the home is located in a flood zone. See *Boehm*, 423 S.C. at 184, 813 S.E.2d at 881 (stating that a zoning ordinance “must also be read in a sense that harmonizes with its subject matter and accords with its general purpose”). Thus, the City’s stormwater management ordinance provides the best guidance as to whether a drive-under garage in a flood zone is a “floor,” and, thus, a “story.”

In the stormwater management ordinance, the surface of an unfinished drive-under garage is not a “floor.” This ordinance defines “floor” to mean “the top surface of an enclosed area in a building (including basement) i.e., top slab in concrete slab construction or top of wood flooring in wood frame construction. *The term does not include the floor of a garage used solely for parking vehicles.*” (Code § 27-103) (emphasis added). Furthermore, the stormwater ordinance further defines “lowest floor” as not including unfinished garages or enclosures. “An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is

not built so as to render the structure in violation of the applicable non-elevated design requirements of this article.” (*Id.*)

Here, the drive-under garage designed for 1012 Avenue of Oaks does not fall within the definitions of “floor” or “lowest floor” because it meets the express criteria for exclusion. It is an unfinished garage that is only partially enclosed and designed solely for parking vehicles and storage. Therefore, it is not a “floor,” and consequently, it is not a “story.”

Not only does a drive-under garage not meet the definition of “story,” the City’s interpretation of the term based on its relationship to a flood zone lacks textual support. According to the City, the determination of whether a drive-under garage is a story depends on whether it is in a flood zone and what flood zone it is in. The City approved building permits for other houses with drive-under garages in Avenue of Oaks on lots that were in Flood Zones AE-14 and AE-13 prior to the issuance of the new FEMA flood maps. In so doing, the City did not consider the drive-under garages on those lots to be a story, thereby concluding that the proposed design did not exceed the 2 ½ story maximum height in the SR-1 zoning district. Now, however, the City takes the position that a drive-under garage is a story if it is located on a lot in Flood Zone X.

Yet nothing in the definition of “story” or any other zoning provision suggests that the term’s meaning changes based on the location of a flood zone. In fact, the definition does not use the term “flood zone” in any manner. And the City’s planning department has never articulated which specific flood zones or conditions permit a drive-under garage to be excluded from the definition of “story.” Instead, the definition appears to be determined on the whims of the City’s planning department, which has failed to provide property owners with a clear understanding of what criteria applies for determining whether a drive-under garage constitutes a “story.” This type of decision making is the epitome of arbitrariness that cannot be tolerated under the rule of law.

In addition, the City’s interpretation of “story” in this case undermines the purposes of the zoning code. Zoning ordinances are intended, among other things, “to facilitate the creation of a convenient, attractive, and harmonious community” and “to secure safety from fire, flood, and other dangers.” S.C. Code Ann. § 6-29-710. The City’s interpretation of “story” advances neither of these purposes.

In this case, Avenue of Oaks is an attractive community consisting of several elevated homes that utilize drive-under garages. Allowing other homes in the subdivision to utilize a similar design will support a harmonious community. Neither 1012 Avenue of Oaks nor the other homes planned with drive-under garages will be disproportionately higher than the permitted homes because they are all subject to the same maximum height requirements set forth in the zoning code. Put simply, there is no logical reason why some drive-under garages are permitted in Avenue of Oaks and others are not.

The City’s interpretation of “story” is also contrary to the zoning ordinances’ purpose of securing safety from flooding. Avenue of Oaks borders a marsh and is in a flood zone. Although the new flood map indicates the flooding risk is less than previously determined under the prior flood map, that risk has not been eliminated. The elevated design that utilizes drive-under garages helps protect property and residents from flooding risk. This fact has recently been recognized by the

City in the Dutch Dialogues efforts. As seen in the attached excerpts from the Dutch Dialogues report, using elevated designs is measure that is encouraged to protect our City's residents and their property not just from flooding today but also from the uncertain but growing threats from climate change and sea-level rise in the future. (Ex. 8 - Dutch Dialogues Report Excerpts.)

By interpreting "story" to include drive-under garages, the City is discouraging homeowners from using this design feature, thereby increasing the threat to safety and property from flooding. This interpretation is contrary to the purposes of the zoning ordinances and the City's other recent efforts to protect its residents and their property from flooding. Therefore, the City's interpretation of "story" should be rejected for this reason, as well as the others cited above.

III. Conclusion

In sum, the City's interpretation of "story" is not supported by the text of the relevant ordinances and is based on unclear standards that prevent property owners from understanding how they can utilize their property. Also, the City's interpretation is contrary to the purposes of zoning ordinances intended to create harmonious communities and protect residents and properties from the threat of flooding. As a result, the Board should reject the City's interpretation and grant Crescent Home's appeal.

On behalf of Crescent Homes, we appreciate your consideration of our position, and we look forward to presenting our position at your upcoming hearing.

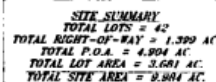
Sincerely,

A handwritten signature in blue ink, appearing to read "E. Brandon Gaskins".

E. Brandon Gaskins

Enclosures: As stated.

EXHIBIT 1

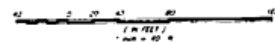


TOTAL LOTS = 42
TOTAL RIGHT-OF-WAY = 1.399 AC.
TOTAL P.D.A. = 4.904 AC.
TOTAL LOT AREA = 3.681 AC.
TOTAL SITE AREA = 9.904 AC.

[illegible][illegible]

1970-1971		1971-1972		1972-1973		1973-1974		1974-1975		1975-1976		1976-1977		1977-1978		1978-1979		1979-1980		1980-1981		1981-1982		1982-1983		1983-1984		1984-1985		1985-1986		1986-1987		1987-1988		1988-1989		1989-1990		1990-1991		1991-1992		1992-1993		1993-1994		1994-1995		1995-1996		1996-1997		1997-1998		1998-1999		1999-2000		2000-2001		2001-2002		2002-2003		2003-2004		2004-2005		2005-2006		2006-2007		2007-2008		2008-2009		2009-2010		2010-2011		2011-2012		2012-2013		2013-2014		2014-2015		2015-2016		2016-2017		2017-2018		2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024		2024-2025		2025-2026		2026-2027		2027-2028		2028-2029		2029-2030		2030-2031		2031-2032		2032-2033		2033-2034		2034-2035		2035-2036		2036-2037		2037-2038		2038-2039		2039-2040		2040-2041		2041-2042		2042-2043		2043-2044		2044-2045		2045-2046		2046-2047		2047-2048		2048-2049		2049-2050		2050-2051		2051-2052		2052-2053		2053-2054		2054-2055		2055-2056		2056-2057		2057-2058		2058-2059		2059-2060		2060-2061		2061-2062		2062-2063		2063-2064		2064-2065		2065-2066		2066-2067		2067-2068		2068-2069		2069-2070		2070-2071		2071-2072		2072-2073		2073-2074		2074-2075		2075-2076		2076-2077		2077-2078		2078-2079		2079-2080		2080-2081		2081-2082		2082-2083		2083-2084		2084-2085		2085-2086		2086-2087		2087-2088		2088-2089		2089-2090		2090-2091		2091-2092		2092-2093		2093-2094		2094-2095		2095-2096		2096-2097		2097-2098		2098-2099		2099-2100		2100-2101		2101-2102		2102-2103		2103-2104		2104-2105		2105-2106		2106-2107		2107-2108		2108-2109		2109-2110		2110-2111		2111-2112		2112-2113		2113-2114		2114-2115		2115-2116		2116-2117		2117-2118		2118-2119		2119-2120		2120-2121		2121-2122		2122-2123		2123-2124		2124-2125		2125-2126		2126-2127		2127-2128		2128-2129		2129-2130		2130-2131		2131-2132		2132-2133		2133-2134		2134-2135		2135-2136		2136-2137		2137-2138		2138-2139		2139-2140		2140-2141		2141-2142		2142-2143		2143-2144		2144-2145		2145-2146		2146-2147		2147-2148		2148-2149		2149-2150		2150-2151		2151-2152		2152-2153		2153-2154		2154-2155		2155-2156		2156-2157		2157-2158		2158-2159		2159-2160		2160-2161		2161-2162		2162-2163		2163-2164		2164-2165		2165-2166		2166-2167		2167-2168		2168-2169		2169-2170		2170-2171		2171-2172		2172-2173		2173-2174		2174-2175		2175-2176		2176-2177		2177-2178		2178-2179		2179-2180		2180-2181		2181-2182		2182-2183		2183-2184		2184-2185		2185-2186		2186-2187		2187-2188		2188-2189		2189-2190		2190-2191		2191-2192		2192-2193		2193-2194		2194-2195		2195-2196		2196-2197		2197-2198		2198-2199		2199-2200		2200-2201		2201-2202		2202-2203		2203-2204		2204-2205		2205-2206		2206-2207		2207-2208		2208-2209		2209-2210		2210-2211		2211-2212		2212-2213		2213-2214		2214-2215		2215-2216		2216-2217		2217-2218		2218-2219		2219-2220		2220-2221		2221-2222		2222-2223		2223-2224		2224-2225		2225-2226		2226-2227		2227-2228		2228-2229		2229-2230		2230-2231		2231-2232		2232-2233		2233-2234		2234-2235		2235-2236		2236-2237		2237-2238		2238-2239		2239-2240		2240-2241		2241-2242		2242-2243		2243-2244		2244-2245		2245-2246		2246-2247		2247-2248		2248-2249		2249-2250		2250-2251		2251-2252		2252-2253		2253-2254		2254-2255		2255-2256		2256-2257		2257-2258		2258-2259		2259-2260		2260-2261		2261-2262		2262-2263		2263-2264		2264-2265		2265-2266		2266-2267		2267-2268		2268-2269		2269-2270		2270-2271		2271-2272		2272-2273		2273-2274		2274-2275		2275-2276		2276-2277		2277-2278		2278-2279		2279-2280		2280-2281		2281-2282		2282-2283		2283-2284		2284-2285		2285-2286		2286-2287		2287-2288		2288-2289		2289-2290		2290-2291		2291-2292		2292-2293		2293-2294		2294-2295		2295-2296		2296-2297		2297-2298		2298-2299		2299-2300		2300-2301		2301-2302		2302-2303		2303-2304		2304-2305		2305-2306		2306-2307		2307-2308		2308-2309		2309-2310		2310-2311		2311-2312		2312-2313		2313-2314		2314-2315		2315-2316		2316-2317		2317-2318		2318-2319		2319-2320		2320-2321		2321-2322		2322-2323		2323-2324		2324-2325		2325-2326		2326-2327		2327-2328		2328-2329		2329-2330		2330-2331		2331-2332		2332-2333		2333-2334		2334-2335		2335-2336		2336-2337		2337-2338		2338-2339		2339-2340		2340-2341		2341-2342		2342-2343		2343-2344		2344-2345		2345-2346		2346-2347		2347-2348		2348-2349		2349-2350		2350-2351		2351-2352		2352-2353		2353-2354		2354-2355		2355-2356		2356-2357		2357-2358		2358-2359		2359-2360		2360-2361		2361-2362		2362-2363		2363-2364		2364-2365		2365-2366		2366-2367		2367-2368		2368-2369		2369-2370		2370-2371		2371-2372		2372-2373		2373-2374		2374-2375		2375-2376		2376-2377		2377-2378		2378-2379		2379-2380		2380-2381		2381-2382		2382-2383		2383-2384		2384-2385		2385-2386		2386-2387		2387-2388		2388-2389		2389-2390		2390-2391		2391-2392		2392-2393		2393-2394		2394-2395		2395-2396		2396-2397		2397-2398		2398-2399		2399-2400		2400-2401		2401-2402		2402-2403		2403-2404		2404-2405		2405-2406		2406-2407		2407-2408		2408-2409		2409-2410		2410-2411		2411-2412		2412-2413		2413-2414		2414-2415		2415-2416		2416-2417		2417-2418		2418-2419		2419-2420		2420-2421		2421-2422		2422-2423		2423-2424		2424-2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16 THE PRIVATE DRAINAGE EASEMENTS SHOWN ARE DEDICATED TO THE P.O.A. FOR ACCESS TO AND MAINTENANCE OF THE STORMWATER FACILITIES WITHIN THE PRIVATE DRAINAGE EASEMENTS.



SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒
MAR 21 1968
FBI - NEW YORK
120-8098

SHOWING AVENUE OF THE OAKS (9.984 ACRES) SUBDIVISION,
TMS 418-06-00-028, PROPERTY OF HDP OAKS AVENUE LLC,
LOCATED WEST OF THE ASHLEY, IN THE CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA

SCALE: 1" = 40'

SHEET 2 OF 2

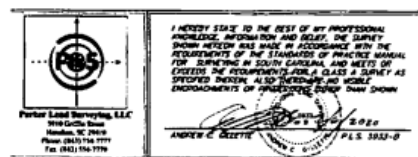


EXHIBIT 2

Brandon Gaskins

From: Kelly McGuinn <kelly.mcguinn@crescenthomes.net>
Sent: Monday, November 11, 2019 10:53 AM
To: Ted Terry; Bob Pickard; Craig Hobart
Subject: Fwd: 1111 & 1131 Oak Bluff
Attachments: image001.png; image001.png

below is the last correspondence from the city on the oak bluff permits.

-Kelly

Begin forwarded message:

From: Killion, Sean <killions@charleston-sc.gov>
Sent: Thursday, November 7, 2019 12:03 PM
To: Permitting <permitting@crescenthomes.net>
Subject: RE: 1111 & 1131 Oak Bluff

Jessica,

I agree this is complicated issue. The problem emerged when a former zoning planner who used to work for the City of Charleston approved a couple of 3 story structures in this subdivision that shouldn't have been approved. Since then myself and Lee Batchelder have spoken with Bob that we would approve the ones in the direct neighborhood of those that shouldn't have been approved in the first place (1111 Oak Bluff), but all future proposed houses must follow the SR-1 guidelines of 35'//2 ½ stories.

Sean Killion | Associate Planner

City of Charleston | Department of Planning, Preservation and Sustainability

Zoning Division

2 George Street | Charleston, SC 29401

T:(843) 724-3779 | killions@charleston-sc.gov | www.charleston-sc.gov



City of Charleston

From: Permitting [<mailto:permitting@crescenthomes.net>]
Sent: Thursday, November 7, 2019 11:48 AM
To: Killion, Sean <killions@charleston-sc.gov>
Subject: 1111 & 1131 Oak Bluff

Based off of the email you sent me, "for 1111 and 1131 Oak Bluff I came across a problem with the height of said buildings being over the SR-1 limits of 2 ½ stories. Both properties aren't located in a flood zone and therefore cannot be granted the FEMA exception," I was under the impression that both 1111 & 1131 had the same issues. Since 1111 was issued with the unfinished first floor and 1131 first floor is unfinished I thought that it would be issued as well. Am I reading that wrong? My apologies if I am, I myself am just getting confused.

If you should have any questions, please let me know.

Thank you,



JESSICA DICKSON

Permitting Coordinator

O: 843-573-9635 ext. 5101 | Permitting@crescenthomes.net |
1510 Hwy. 17 N., Mt. Pleasant, SC 29465 | www.crescenthomes.net



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From: Killion, Sean <killions@charleston-sc.gov>
Sent: Thursday, November 7, 2019 11:35 AM
To: Permitting <permitting@crescenthomes.net>
Subject: RE: CORRECTIONS NEEDED- FW: 1111 & 1131 Oak Bluff

Jessica,

I have no received revisions that are 2.5 stories for 1131 Oak Bluff, therefore it cannot receive zoning approval.

Sean Killion | Associate Planner

City of Charleston | Department of Planning, Preservation and Sustainability

Zoning Division

2 George Street | Charleston, SC 29401

T:(843) 724-3779 | killions@charleston-sc.gov | www.charleston-sc.gov



From: Permitting [<mailto:permitting@crescenthomes.net>]
Sent: Thursday, November 7, 2019 11:32 AM
To: Killion, Sean <killions@charleston-sc.gov>
Subject: RE: CORRECTIONS NEEDED- FW: 1111 & 1131 Oak Bluff

Hey Sean,

I see that 1111 Oak Bluff is ready to be issued.

Do you happen to have any update on 1131 Oak Bluff?

If you should have any questions, please let me know.

Thank you,



JESSICA DICKSON

Permitting Coordinator

O: 843-573-9635 ext. 5101 | Permitting@crescenthomes.net |
1510 Hwy. 17 N., Mt. Pleasant, SC 29465 | www.crescenthomes.net



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From: Killion, Sean <killions@charleston-sc.gov>
Sent: Wednesday, October 2, 2019 11:10 AM
To: Permitting <permitting@crescenthomes.net>
Cc: Alltop, Crystal <alltopc@charleston-sc.gov>
Subject: 1111 & 1131 Oak Bluff

Hello,

While reviewing the plans for 1111 and 1131 Oak Bluff I came across a problem with the height of said buildings being over the SR-1 limits of 2 ½ stories. Both properties aren't located in a flood zone and therefore cannot be granted the FEMA exception. This needs to be addressed in order to receive zoning approval. If you have any questions or concerns feel free to email me or call me at 843-724-3779.

Sean Killion | Associate Planner

City of Charleston | Department of Planning, Preservation and Sustainability

Zoning Division

2 George Street | Charleston, SC 29401

T:(843) 724-3779 | killions@charleston-sc.gov | www.charleston-sc.gov



EXHIBIT 3

Brandon Gaskins

From: Batchelder, Lee <BATCHELDERL@charleston-sc.gov>
Sent: Monday, March 8, 2021 6:01 PM
To: Ross Appel; Morgan, Christopher
Subject: RE: Revision to Definition of "Story" under City Ordinance

Hi Ross,

Sorry for my tardy response. I am not in favor of this change because it would conflict with our current zoning restrictions for most neighborhoods outside the peninsula which limit houses to 2 ½ stories. We already allow ground floor stories in flood zones to not count toward the 2 ½ story limit, which has worked well. However, with the amendment Elis is proposing, we might as well change the 2 ½ story limit to 3 ½ stories which would be out of character for suburban neighborhoods. We (zoning) also don't review building permit applications to make interior alterations to SF homes so we would have no way to catch conversions of ground floor spaces from storage/garage spaces to living spaces, which is sure to happen.

I do think we should consider modified height restrictions as we implement the new comp plan, which hopefully will lead into a concerted effort on behalf of the City to revise our zoning regulations. I think the new comp plan will reflect the Dutch Dialogues recommendations and others dealing with sea level rise so it seems appropriate to consider height restrictions then.

Thanks for asking. Let me know if you have any further thoughts or questions.

Lee C. Batchelder AICP | Zoning Administrator
City of Charleston | Department of Planning Preservation & Sustainability
2 George Street | Suite 3100 | Charleston, SC 29401
T:(843) 724-3771 | F:(843) 724-3772 | e: batchelderl@charleston-sc.gov | www.charleston-sc.gov

From: Ross Appel <ross@mklawsc.com>
Sent: Monday, March 1, 2021 11:28 AM
To: Morgan, Christopher <MORGANC@charleston-sc.gov>; Batchelder, Lee <BATCHELDERL@charleston-sc.gov>
Subject: FW: Revision to Definition of "Story" under City Ordinance

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christopher and Lee,

I hope this finds both of you well. I am forwarding an e-mail from Ellis Leseman regarding a rather technical zoning change. The logic behind this sounds reasonable to me, but I want to get your perspective on this issue.

Once you've had a chance to review, please let me know and we can go from there.

Thanks, as always.

Ross



Ross Appel
Attorney, McCullough Khan, LLC

O: (843) 937-0400 | D: (843) 937-9798 | F: (843) 937-0706

E: ross@mklawsc.com | W: www.mklawsc.com

A: 359 King Street, Suite 200, Charleston, SC 29401



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From: Ellis Lesemann <erl@lalawsc.com>

Sent: Thursday, February 25, 2021 10:43 AM

To: Ross Appel <ross@mklawsc.com>

Cc: Bill Eubanks <beubanks@sganwdesign.com>

Subject: Revision to Definition of "Story" under City Ordinance

Hello Ross:

I am writing to follow up on the issue that we had discussed over the past several months relating to revising the City's Ordinances in order to encourage/allow newly constructed two-story homes to be elevated. This is a construction technique that is recommended repeatedly within the Dutch Dialogues.

Over the past two months, I've worked with Bill Eubanks in order to come up with the revision language that could facilitate this, which focuses on the definition of "story" under the City's Zoning Ordinance. We've developed wording that we believe is narrowly tailored and would not result in any unintended consequences. In light of your knowledge and background, and your support for the idea, we wanted to present the language to you and get your thoughts. Once the language is in good form, we are hopeful that you and perhaps other members of City Council could steer this through to enactment and implementation.

Attached are: (1) highlighted excerpts from the Dutch Dialogues indicating the importance of elevating homes, both new and existing; and (2) the proposed draft language for a revision to the definition of "story" under the City's Zoning Ordinance that, if adopted, would make an immediate impact by allowing new two-story homes to be elevated.

Under the existing language and interpretation, if a home is elevated, it cannot be two stories, because the City's Planning, Preservation & Sustainability Department considers the unfinished area that would be underneath the house to be a "story." This results in an elevated two-story house being considered a "three-story" house, which isn't allowed in SR-1 and certain other zoning districts.

This wasn't always the interpretation, but it has become the current view within the Department. The result of this interpretation is that, in order to have a new two-story home, the home cannot be elevated. This undermines the goal of adapting construction practices in order to expect and accommodate rain events, climate change, and sea level rise. It also imposes an undue limitation on the options available for purchasers of new homes.

Adopting the proposed revision is an important action that we, together as a City, can take to implement this key lesson and recommendations from the Dutch Dialogues.

Talk soon,

Ellis

Ellis R. Lesemann
Lesemann & Associates LLC
418 King Street, Suite 301
Charleston, SC 29403
Phone: (843) 724-5155
Mobile: (843) 367-8001
Email: erl@lalawsc.com
Website: www.lalawsc.com

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EXHIBIT 4

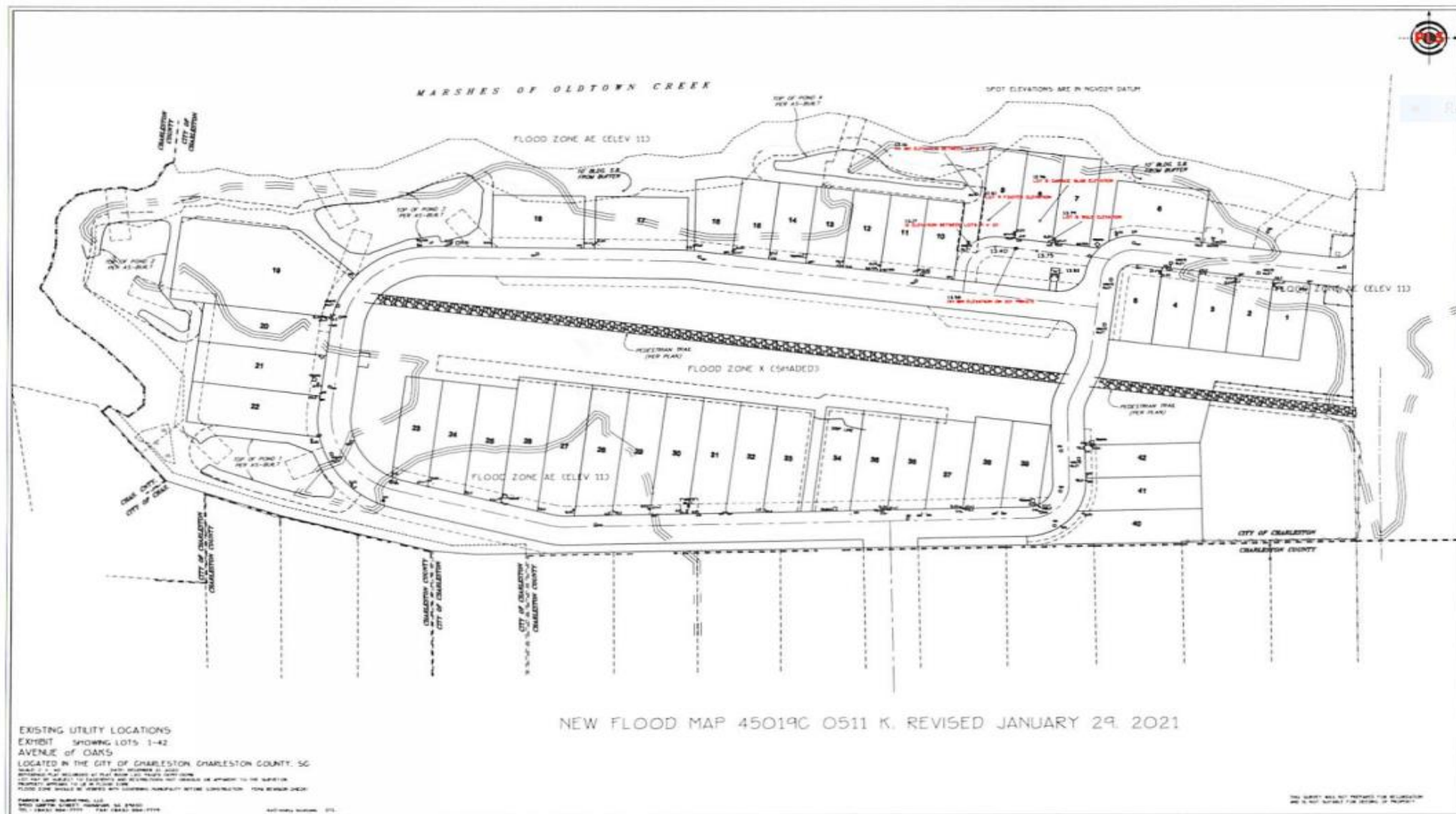


EXHIBIT 5

City of Charleston New Single Family Permit Application

Name and Address of Property Owner Crescent Homes SC, LLC 572 Savannah Hwy, Charleston SC 29407

Contractor Crescent Homes SC, LLC Cell No. _____

Office No. 843-573-9635x5101 E-mail Permitting @crescenthomes.net

State License No. 18591 City Business License No. 39245

Lot 6 Block _____ Parcel _____ Address (if known) 1012 Avenue of Oaks

Subdivision Avenue of Oaks Phase TMS 418-06-00-124 Zoning _____

Heated Square Feet 1st floor: 1200 2nd floor: 1099 3rd floor: _____

Unheated Square Feet (Includes garages, porches, decks) 1636

Actual setbacks: Front 17' Rear 7' North/East Side 9.29' South/West Side 12.71'

Height of Dwelling: +/- 36' - 9" (measured from the curb to the highest point of the finished roof)

*Is this an Affordable Housing Project? NO (If yes, a letter must be included with this application stating that the construction meets the Affordable Housing Ordinance requirements.)

REVIEW REQUIRES THE FOLLOWING PLANS WITH THIS APPLICATION:

Please see checklist for full requirements. Plans will not be accepted if all requirements have not been met.

1. THREE (3) SCALED SITE PLANS should be prepared, signed and sealed by a South Carolina licensed professional (i.e. surveyor or engineer; include state registration number on the site plan)
2. MANUAL J detailing HVAC calculation- 1 copy
3. INTERNATIONAL ENERGY CONSERVATION CODE FORM 1 copy
4. TWO (2) SETS of BUILDING PLANS
 - Indicating the height of all buildings measured from curb line elevation, or street elevation if there is no curb, to the highest point of the finished roof.
 - Plans by a registered design professional
 - Foundation plan
 - Framing Details or floor, wall, ceiling, roof, headers, beams, and girders
 - Floor Plans
 - Indicate how glazing will be protected from windborne debris
 - Structural details

NOTE: An Engineering permit and inspection by the Engineering Division is required prior to the issuance of a Certificate of Occupancy. Call 724-3782 for permit information and inspection requests.

For customer service, please contact the Customer Service Coordinator at 843-724-7450

For technical information, please contact the following:

GIS	843-805-3230	Zoning	843-724-3755
Engineering	843-724-3782	Inspections	843-724-7448

-I certify that the information on the application and its attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected for verification of same.

Applicant's Signature  Date 3/29/2021

You must fill out the second section of this application for your submittal to be considered complete. The International Residential Code Correction Sheet (IRC) is required by the Building Inspections Division for plan review.

☐ This address and TMS number are correct per Kittie Whiddon (GIS)
_____ (Address Correction if Needed)

Permit Number

SF _____

International Residential Code Correction Sheet

*****THIS SECTION MUST BE COMPLETED BY THE APPLICANT*****

Contractor: Edward M. Terry, Crescent Homes SC, LLC
Address of Project (if known): 1012 Avenue Of Oaks
Number of: Stories 2 Rooms 6 Bathrooms 3.5 Bedrooms 3 Kitchens 1
Type of Construction: Wood Frame Exterior of Building: Cement-board Siding
Type of: Heat (electric or gas) Gas Roof Covering Shingles
Foundation (If slab, monolithic or raised: piers or continuous wall): Drive Under
Fireplace (prefab or site built, wood burning or gas): Prefab, Gas
Are roof trusses being used? Yes Is sewer available? Yes (If not, DHEC septic tank approval must be submitted)
Permit includes: Electrical (x), Plumbing (x), Mechanical (x), Gas (x), Separate permit to be obtained.

Window Agreement: (Please sign and date)

Crescent Homes, SC LLC (Owner/Contractor/Agent) will install windows that meet the
American Architectural Manufacturer's Association specification per **2015 SC IRC, R609.3** for the following
address _____.

Signature  Date 3/29/2021

*****For office use only*****

ITEMS NOTED BELOW SHALL BE CORRECTED IN THE FIELD

- () Submit under construction flood zone elevation certificate prior to rough-in inspections. ()
- Submit finished construction flood zone elevation certificate prior to final inspections.
- () Submit as-built v-zone and break away wall certifications prior to final inspections.

Approved By _____ Date _____

Corrections indicated above will be complied with.

Owner/Contractor/Agent _____ Date _____

Revised 2/20/2019

Ashby, Pennye

From: Laura Phillips <lauraphillips@mvalaw.com>
Sent: Monday, May 17, 2021 11:47 AM
To: Ashby, Pennye
Cc: Brandon Gaskins
Subject: Crescent Homes SC, LLC - Appeal of Denial of Building Permit for 1012 Avenue of Oaks
Attachments: BZA-Z Application.pdf; BZA-Z Appeal Form.pdf; Crescent Homes Ave of Oaks BZA Appeal.pdf; Ex. 1 - Final Plat.pdf; Ex. 2 - Emails re Past Interpretation.pdf; Ex. 3 - Batchelder Email.pdf; Ex. 4 - Plat (New Flood Zones).pdf; Ex. 5 - Permit Application.pdf; Ex. 6 - Building Plans.pdf; Ex. 7 - Killion Email_Redacted.pdf; Ex. 8 - Dutch Dialogues Excerpts.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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Good Morning Ms. Ashby,

Sent on behalf of Brandon Gaskins, please find attached the following:

1. Application;
2. Appeal Form;
3. Letter in support of Appeal dated May 17, 2021;
4. Exhibits 1-8.

Sincerely,

Laura L. Phillips
Paralegal
t 843.579.7043
f 843.579.7099
lauraphillips@mvalaw.com

Moore&VanAllen

78 Wentworth Street
Charleston, SC 29401-1428
843.579.7000
www.mvalaw.com

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[Moore & Van Allen](#)

EXHIBIT 6

3-4 BEDROOMS / 3.5 BATHS

AVO 6
1012 Avenue of Oaks
Charleston, SC

FIRST FLOOR HEATED	1200
SECOND FLOOR HEATED (ELEV A)	1099
SECOND FLOOR HEATED (ELEV B)	(+59)
TOTAL HEATED AREA	2299 (2368)

1ST. FLOOR FRONT PORCH (ALL ELEVS)	296
REAR SCREENED PORCH	140
<hr/> TOTAL AREA	<hr/> 2735 (2794)

2ND. FLOOR MASTER SUITE BALCONY	140
1ST. FLOOR MASTER BATH BUMP OUT	+19
2ND. FLOOR FRONT BALCONY	206

A0	COVER SHEET
A1	ELEVATIONS - FRONT
A2	ELEVATIONS - SIDES & REAR
A3	ROOF PLAN
A4	GROUND FLOOR PLAN
A5	FIRST FLOOR PLAN
A6	SECOND FLOOR PLAN
E1	GROUND FLOOR ELECTRICAL
E2	FIRST FLOOR ELECTRICAL
E3	SECOND FLOOR ELECTRICAL
D1	DETAILS
D2	DETAILS

[illegible]

Plans to be Built according to the latest adopted edition of the International Residential Building Code Standard for Single Family Residential Dwellings

CRESCENT
HOMES
672 Sawtooth Highway Fax (801) 452-0180

CHARLESTOWNE
AVENUE OF OAKS

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PLAYTIME

FILE, PRINT, PASTE

11A

DATE: 2/09/21

PLATE 10

TITLE	COVER SHEET
-------	-------------

541

COVER



1 - RAILING DTL. ELEV 'A'
1/4\"/>



FRONT ELEVATION 'A'
1/4\"/>

CRESCENT
HOMES
5775 Sonoma Highway
Chattahoochee, South Carolina
Fax (843) 482-2128
Phone (843) 575-5533

CHARLESTOWNE
AVENUE OF OAKS

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PLAN NAME	
REVISIONS	
DESIGN BY	DA
DATE	2/09/21
ADD NO.	
TITLE	FRONT ELEVATIONS
SHEET	A1-A



LEFT ELEVATION 'A'
11x17 1/8" x 1'-0"
22x34 1/4" x 1'-0"



RIGHT ELEVATION 'A'
11x17 1/8" x 1'-0"
22x34 1/4" x 1'-0"



REAR ELEVATION 'A'
11x17 1/8" x 1'-0"
22x34 1/4" x 1'-0"

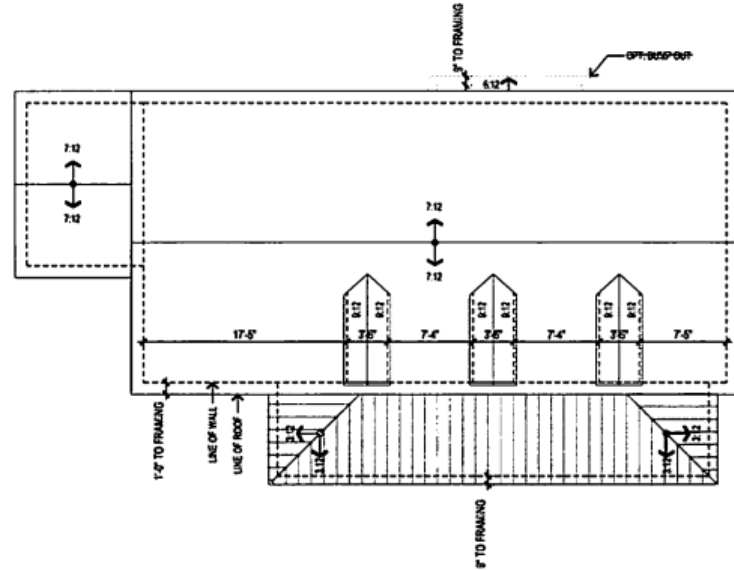
01440 add
3--2/0x2/0
windows centered
on side master
bedroom wall

CRESCENT
HOMES
522 Broadway Highway
Charlotte, South Carolina
Phone (843) 573-8635
Fax (843) 422-0135

CHARLESTOWNE
AVENUE OF OAKS

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PLAN NAME	
REVISIONS	
DRAWN BY	DA
DATE	2/09/21
JOB NO.	
TITLE	SIDE & REAR ELEVATIONS
SHEET	A2-A



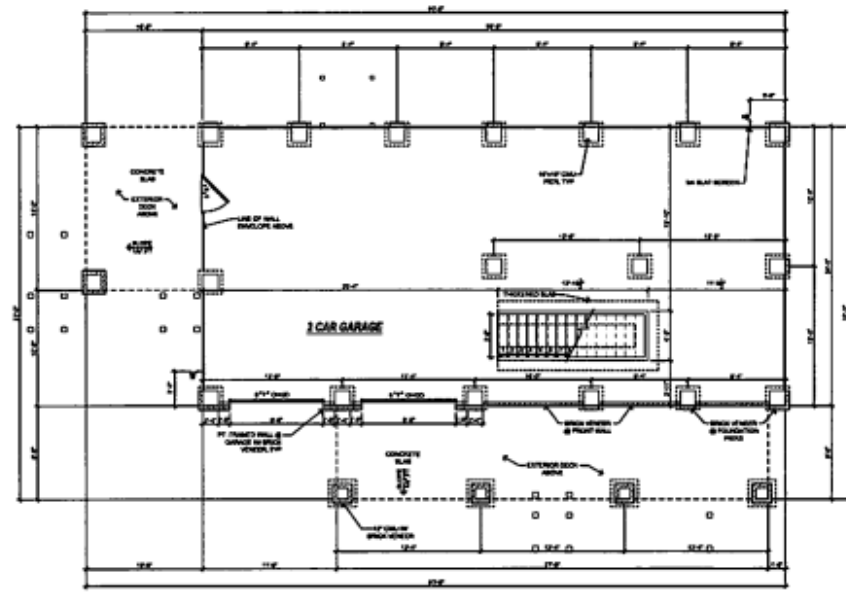
ROOF PLAN 'A'
11x17 1/8"x17'-0"
2004 1/8"x17'-0"

CRESCENT
HOMES
573 Savannah Highway
Charleston, South Carolina
Fax (843) 422-0135
Phone (843) 572-4035

CHARLESTOWNE
AVENUE OF OAKS

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PLAN NAME	
REVISIONS	
DESIGNED BY	DA
DATE	2/05/21
JOB NO.	
TITLE	ROOF PLAN
SHEET	A3-A



GROUND FLOOR PLAN
 1/8"=1'-0" (1/4"=1'-0")

CRESCENT HOMES

6725 Sonoma Highway
 Charleston, South Carolina

Fax (843) 492-6136
 Phone (843) 573-6633

CHARLESTOWNE

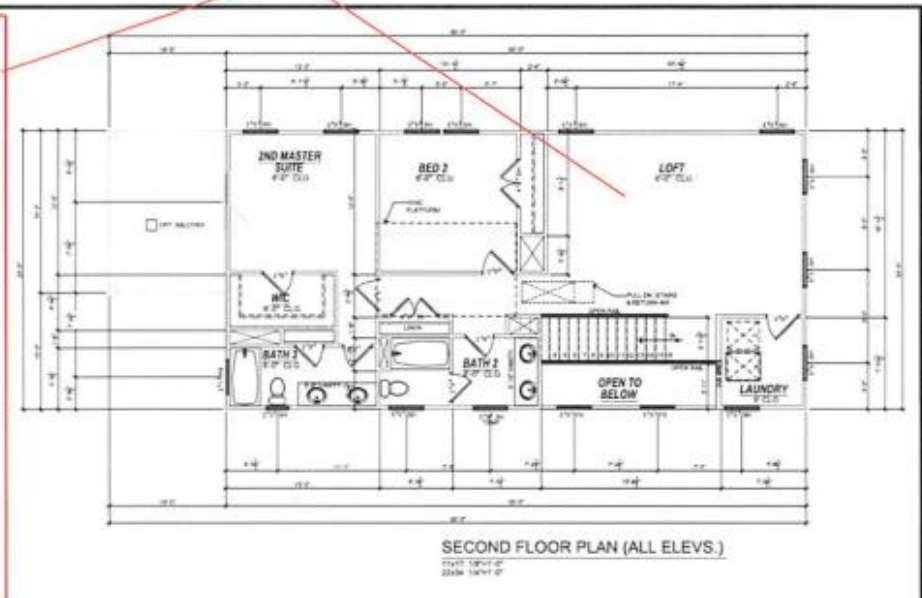
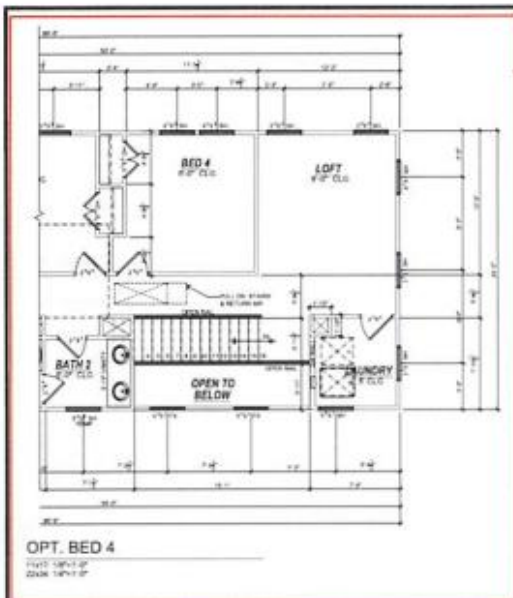
AVENUE OF OAKS

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PLAN NO.

REVISIONS

DRAWN BY: DA
 DATE: 2/08/21
 JOB NO.:
 TITLE: GROUND FLOOR PLAN
 SHEET: A4



CRESCENT HOMES

573 S. Main St. Highway 101
Chattanooga, TN 37405
Phone: (423) 573-5625

CHARLESTOWNE

AVENUE OF OAKS

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PLAN NAME

REVISIONS

DRAWN BY: DA

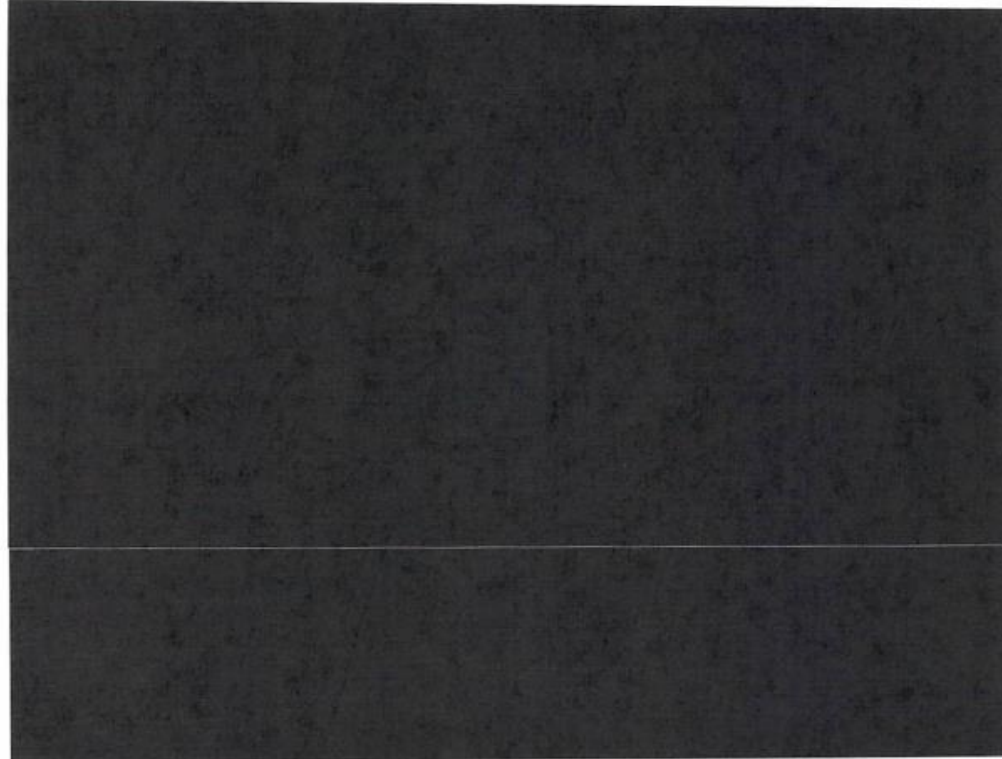
DATE: 2/28/21

DESIGNER:

TITLE: SECOND FLOOR PLAN

SHEET: A6

EXHIBIT 7



6
-

From: Killion, Sean <killions@charleston-sc.gov>
Sent: Thursday, April 15, 2021 9:07 AM
To: Permitting <permitting@crescenthomes.net>
Subject: 1012 Avenue of Oaks

Good Morning,

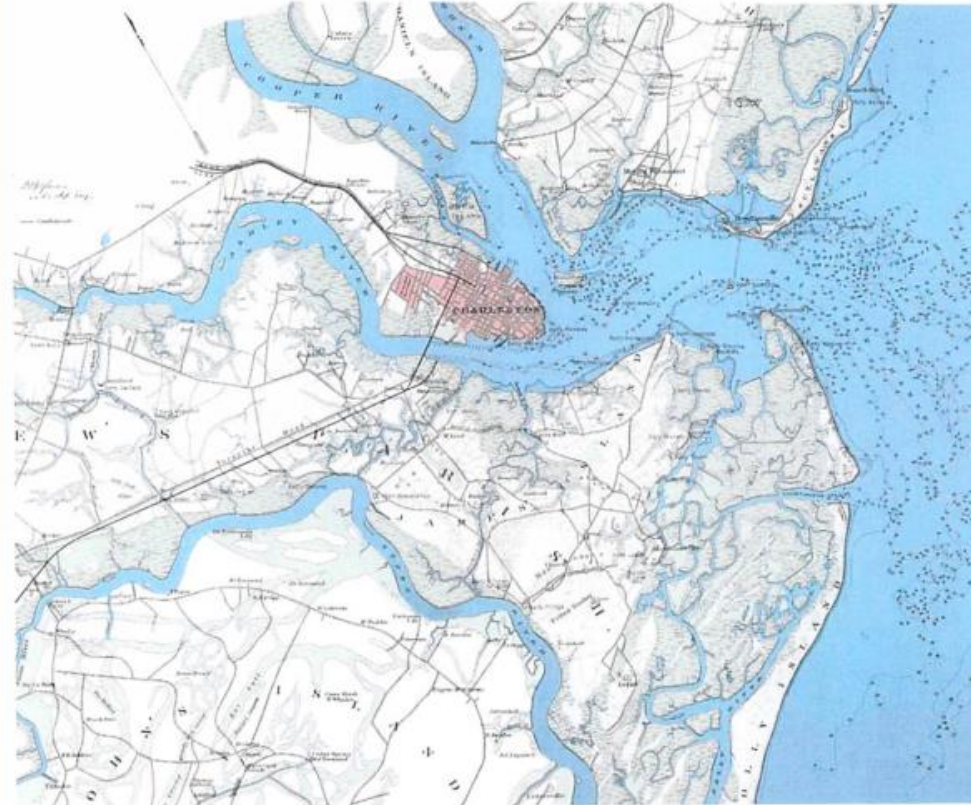
I was reviewing the plans for 1012 Avenue of Oaks and I saw the proposed design has a drive under in an X flood zone. This would make the house 3 stories and therefore non-conforming to the SR-1 regulations. Please revise for zoning approval.

Sean Killion | Associate Planner
City of Charleston | Department of Planning, Preservation and Sustainability
Zoning Division
2 George Street | Charleston, SC 29401
T:(843)724-3779 | killions@charleston-sc.gov | www.charleston-sc.gov

EXHIBIT 8

Dutch Dialogues™

Charleston



September 2019

WAGGONER
& BALL


THE WATER INSTITUTE
OF THE GULF

 Kingdom of the
Netherlands

Contents

Executive Summary	18
Stakeholder Engagement Summary	22
Lowcountry Water	28
Focus Areas	46
Coastal Zone	50
Johns Island	68
Church Creek	96
Peninsula	128
Eastside	158
Charleston Medical District	184
Appendix	214

A Layered Approach

A layered planning approach begins with Charleston's most basic layer: its physical ground, the land and water upon which infrastructure and inhabitation, history and culture, are based.

Safety first. Safety is increased through elevation and redundancy. Multiple lines of defense begin outside the city, in the landscape, and are also structured from within. Sustainable inhabitation is connected to deep geology.

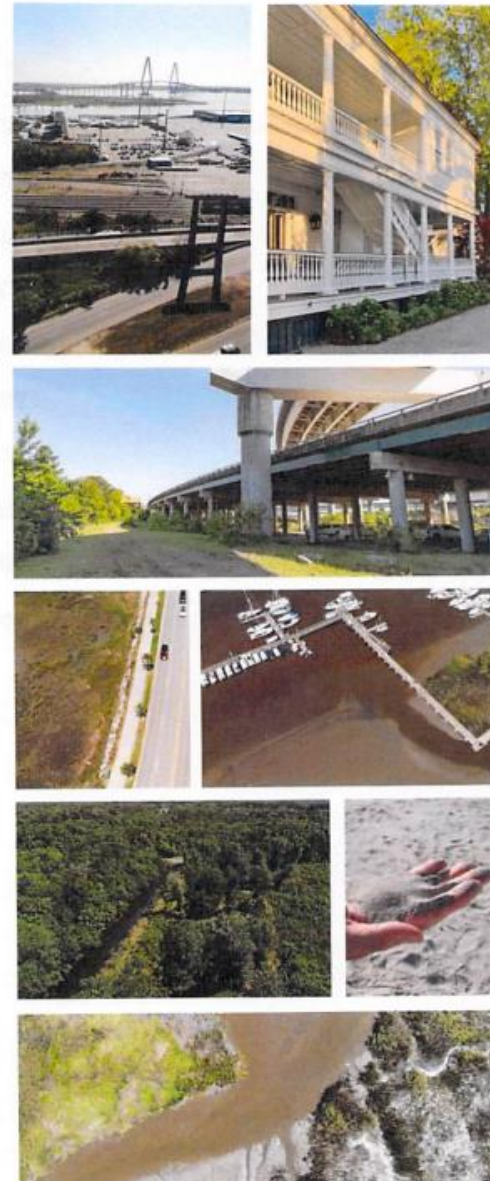
Elevation is salvation from inundation. Elevation is critical in low-lying place, and awareness of place translates to informed action. Charleston has areas of stable, relatively high ground, a critical asset in high water.

Know where you are. The Ashley and Cooper are tidal rivers. Shorelines shift across a low landscape, and plants and habitat move with them, if allowed. Healthy ecology supports a healthy economy and can provide protective benefits. Sustainable infrastructure aligns with ecological function. Water in the region must be understood as a holistic system, man-made and natural in tandem.

Work at multiple scales. Focus on the smallest scale, with an understanding of larger watershed and system functions. Conflicts between and within layers are acknowledged—culture and technology sometimes produce misalignments—and design solutions begin by asking what lies underneath.

Pursue multiple benefits. Single-purpose infrastructure is a poor investment.

No regrets. Make sure action taken now will not compromise future opportunities. Projects should fit within a comprehensive planning vision, but should be able to operate independently with success. Plans must be adaptable over time.





Disadvantages of a regional approach are that it requires:

- Robust implementation; the system is only as strong as its weakest link, requiring gates and barriers where open water crosses the (primary) lines of defense.
- Substantial inter- and intra-governmental cooperation and coordination.
- Additional measures, often related to stormwater drainage and local sea level rise adaptation.
- Reliable, steady investment, for long-term design, construction, operations and maintenance (O&M) funding. O&M costs are generally estimated at between 2%- 4% per year of the original cost of construction.
- Trade-offs between protection and environmental considerations. Some environmental impacts can often be mitigated post construction, for a price.

Elements of a Theoretical Regional System

A Hurricane Risk Reduction System for Charleston would consist of broad elements from offshore to inland areas.

- Reinforcing / strengthening / and possible reestablishment of barrier islands.



New Orleans Inner Harbor Navigation Channel Surge Barrier



Dutch Sand Engine

This Building with Nature project distributes sand along the Dutch coast with the forces of wind and water

Credit: Rijkswaterstaat



Top

Example of a flood resilient home

Credit: Apmoet/Plumb Architects

Above

Coastal flood defense in the beach resort of Katwijk, a combination of a sea dike, underground, beach-front parking garage, covered by a natural dune with a pedestrian zone and a nature reserve

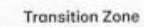
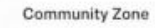
Credit: Arcadis

- A robust intertidal and coastal marsh zone, buffering land and sea, with coastal marsh restoration, increased oyster banks and similar “building with nature” components.
- Pockets of resilient, elevated communities, able to adapt to storm, surge and sea level rise outside of the primary coastal defense system.
- A coastal defense alignment, behind which all infrastructure and buildings will be protected against the impacts of storm surge at the defined risk reduction level. This line would consist of coastal ridges, dunes, berms, sea dikes, levees and, where necessary (due to spatial constraints), floodwalls. Note: the Dutch have begun using more multifunctional flood protection structures in which primary flood protection and other economic, environmental, mobility or social benefits are combined.
- Gates / Barriers integrated into the coastal defense line to limit storm surge impacts that would occur via open water channels. To lessen ecosystem impacts and ensure normal riverine and tidal exchange and shipping access, movable gates would be required. These are complex structures and can be vertical lift gates or navigable barriers or a combination thereof.



New Development





more) and bridges-- with little-to-no landfill and no large-scale removal of existing soils and trees. Maintaining the existing coastal forest is essential: the average forest canopy should be maintained at 50% or more of land cover in this zone.

The ecological zone carries substantial flood risk and can expect to get wet in a 100-year storm which, oddly, means a 1% chance of flooding in any year but also a 26% chance that a home with a 30-yr mortgage will flood once over the mortgage term. Those living in this zone should be fully aware of the risk they assume by living there.

The transition zone is defined as areas between 10-15ft above MSL. **In the transition zone, development is possible, including clustered, elevated homes.** Development here must respect the dynamic nature of the landscape, with fluctuating water levels and sufficient, maintained overland drainage channels, and the need for tailored flood risk reduction strategies. Fill should be sparingly used, primarily for road

construction or to elevate only certain homes. The coastal forests in this zone should not be further degraded as trees are essential for storing and managing stormwater.

The community zone, at 15 feet and more above MSL, is on historic and stable sand ridges, the most prominent of which are along Maybank Ridge and Upper Burden Creek. **This is stronger, higher, safer, and thus valuable ground**, although it is neither scarce nor abundant. Clustered development combined with stormwater infiltration could be encouraged in this zone, especially where the soils readily infiltrate and store water. The existing water systems-- channels, swales, creeks, ditches -- in these zones must also be protected, maintained and not further compromised, filled or eliminated. These systems store and infiltrate stormwater, providing stormwater management and hydrologic balance. Clear rules to protect these hydrologic features must be developed and enforced.

Zone	Approx. Land Elev. (NAVD)	Allowable Development Density	Allowable Foundation Types	Fill Allowed	Potential Stormwater BMPs
Wet Zone	0 – 6'	None	N/A	No	Living Shorelines/Buffers
Ecological Zone	6 – 10'	Limited (Single)	Elevated	Roadways Only	Promote Buffers/Open Systems/Space/Storage Only
Transition Zone	10 – 15'	Moderate	Elevated/ Limited Slab on Grade	Limited	Closed Systems/ Open Space/Storage and Green Infrastructure/ Infiltration
Community Zone	> 15'	Moderate to Urban	Mix	Limited to Moderate	Green Infrastructure/ Infiltration and Limited Closed Systems

Elevation Zones

Four different zones are described relative to development strategies

Church Creek

Landscape Context

The West Ashley / Church Creek area, unlike Johns Island or the Peninsula, is upland (but still low-lying), upstream, and influenced by fluvial conditions more than coastal ones. Ecologically, Church Creek and much of West Ashley is a water basin. The sponge-like functioning of the basin is compromised by constraints upon its water systems and by land-use and development patterns. **While Church Creek is lower in elevation than both Johns Island and the Peninsula, the issues of hurricane storm surge and sea level rise are less urgent here.**

Before human settlement, Church Creek was a sinuous waterway that had multiple branches and outlets. It was reminiscent to the nearby Angel Oak tree, with its vascular system that spreads out in a multitude of winding paths. Just as the Angel Oak gives life, form and energy to Johns Island, the long forgotten Church Creek landscape provides the same for West Ashley. The Creek's natural functions are needed to restore health, safety and balance to the Ashley and Stono River watersheds. Ignore these, and more flood disruption and devastation along these floodplains will occur.

The Church Creek basin has been irreparably shaped by human activity. The basin, once once a lowland swamp between the Stono and the Ashley River, was first drained for rice cultivation. The second wave of alteration came after the Civil War when the it was further drained and cleared for phosphate mining. After phosphate extraction had subsided, the basin became a suburb. The system of ditches which drained the swamp became the drainage system for neighborhoods. The remaining swamp was developed, constricting an already unnatural drainage system.

North of the railroad, Church Creek is now entirely artificial, a man-made ditch that runs behind backyards, under culverts and through the old phosphate mines. This section suffers the worst flooding. Culverts constrict flow and homes are built directly along channel and old creek bed. **Below the railroad the creek is tidal and still largely natural.** Flood risk in this lower zone stems primarily from tidal impacts.

Development in the Basin

The flood challenge in Church Creek is partly about the water system and partly about occupation and land-use planning. Development pressure is high and most of the remaining developable space in the basin will be built out soon. Most of the basin is incredibly low in elevation. Homes in the floodplain may be only slightly lower than homes outside of it. Homes along the tidal portion of the creek are at an additional risk from tides and sea level rise. Neighborhoods' ability to store water is challenged. Even as developmental regulations become more strict, existing homes retain substantial tidal flooding and stormwater risks.

There are things to embrace and things to change in the Church Creek basin. The tidal landscape can be used to accrete land and resilient waterfront development. The retrofitted creek, and the historical phosphate mines, must become functioning pieces of a basin-wide stormwater system. New, elevated homes have limited some flood risk but are disconnected from each other and the landscape. Without water and development working together problems are often transferred downstream.

A hand-drawn conceptual sketch of a road and highway adaptation. The sketch shows a road with a central median and side paths, surrounded by greenery and trees. Labels include 'LATERAL ROAD', 'ROAD/HIGHWAY ADAPTATION', and various notes about 'ROADS' and 'ADAPTATION'.

RENTAL, MEETING, FINED PLACES - 2 WEEKENDS PROJECTIONS

BASEBALL FIELD

PARKING LOT

WALKWAY / BOARDWALK

ADD BACK-UP COMFORTS, E.G. AUTO CAR, CIGARETTE VENDING

NEW RECREATED / PLAYED DEVELOPMENT ALONG (S)

HEAVY SHUTTLE STATION LOCATED TO RIGHT WITHIN PROXIMITY

EXISTING RECREATED HOUSES

EXISTING WATER RESERVE SURROUND

STREET

ROAD SIDE

ADAPTATION

Our proposed blue-green network might be supplemented with new or repurposed developments (red areas in opposite drawing) within the floodplain. This development pattern establishes a vision and direction for the region and can be achieved over the next decade or two. We suggest starting on this vision as soon as possible, through a process that includes new developments in the pipeline and those already on the drawing board.

Some development here – we all like to live near the water—is acceptable if properly elevated. An old Cajun-saying is relevant: Elevation is Salvation from Inundation. **But this development will have to adapt to the water system, not the other way around.** A new type of water-centric development could be a cultural and economic asset for Charleston. Connectivity for cars, bikes and pedestrians— via possible new linear parks—could reinforce this living with water vision.

Historic Charleston Foundation

Flood Adaptations for Historic Structures



Historic Examples of Building Elevations

Structures from the nineteenth century are elevated several feet, with facades and porches that create a consistent, traditional streetscape.

Credit: City of Charleston

Historic Charleston Foundation

Charleston is undeniably proud of its historic architecture. The city has one of the most, if not the most, important collections of residential and civic architecture in the United States for which Charleston was designated as a National Historic Landmark District in 1960. Both the local and the nationally recognized district have been greatly expanded over the years and for both designations, retaining the historic character of individual buildings is key to the preservation of the whole.

Until fairly recently, Charleston's preservation community was adamantly opposed to elevating historic buildings simply because of flood risk. The visual character of a historic building is closely linked to its overall design, its height, massing, proportion and the overall scale of its

architectural features. When an historic building is raised, the process can affect its integrity by altering its proportions and compromising its relationship to adjacent buildings and to the historic district as a whole. Massive damage from Hurricane Hugo in 1989 demonstrated the dangers for historic buildings within the low-lying areas of the city, yet the event – at the time – seemed isolated.

However today, with escalating rain events, sea level rise and tidal flooding, we know that water constitutes an increasing threat to our historic district, and our position on elevating threatened buildings has evolved. A key component of historic preservation is adaptability, therefore, we must accommodate the elevation of historic buildings where warranted in order to improve resiliency for our historic district and ensure their very survival.

Agenda Item #A-3

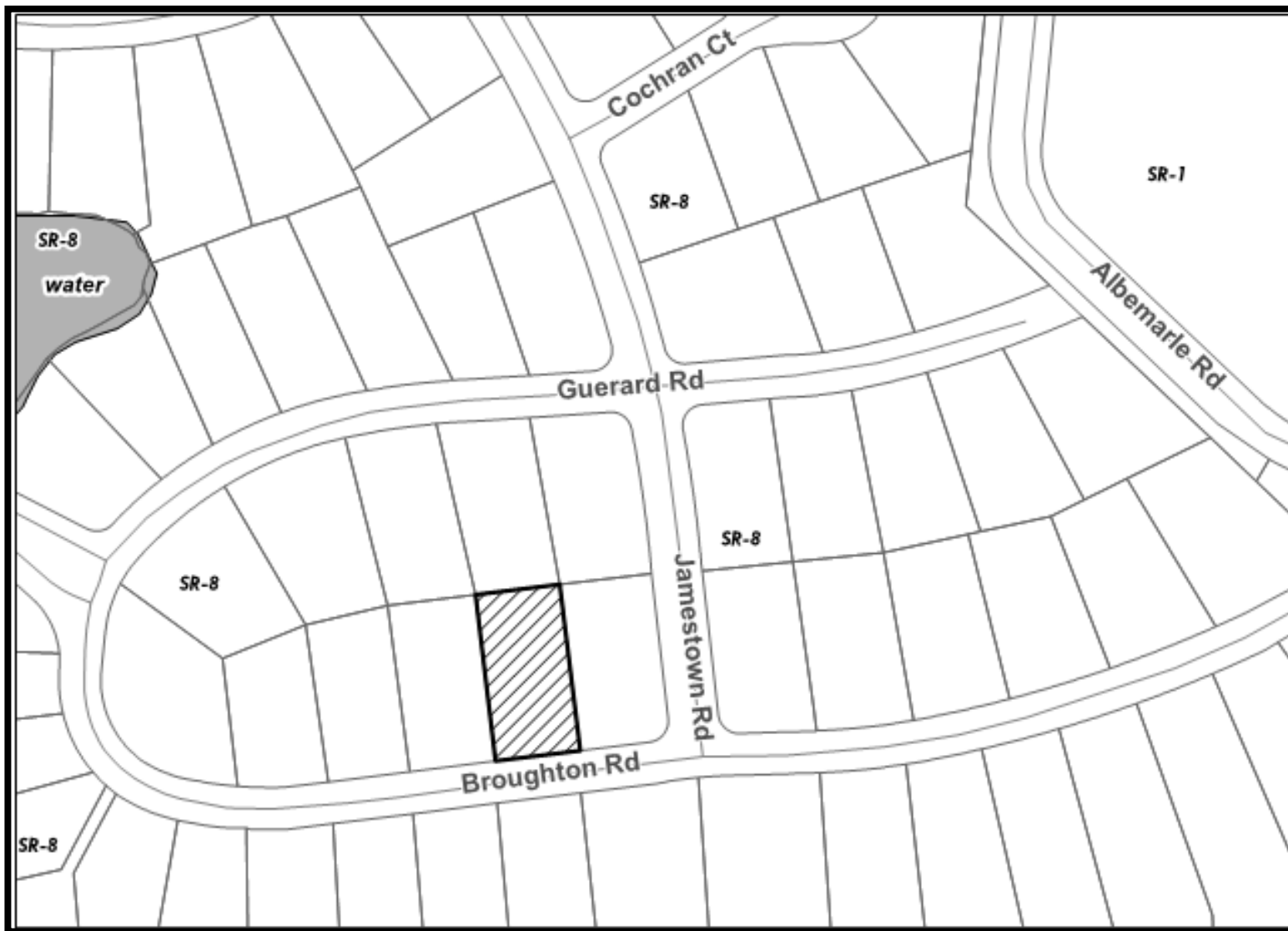
16 BROUGHTON ROAD
(CRESCENT)

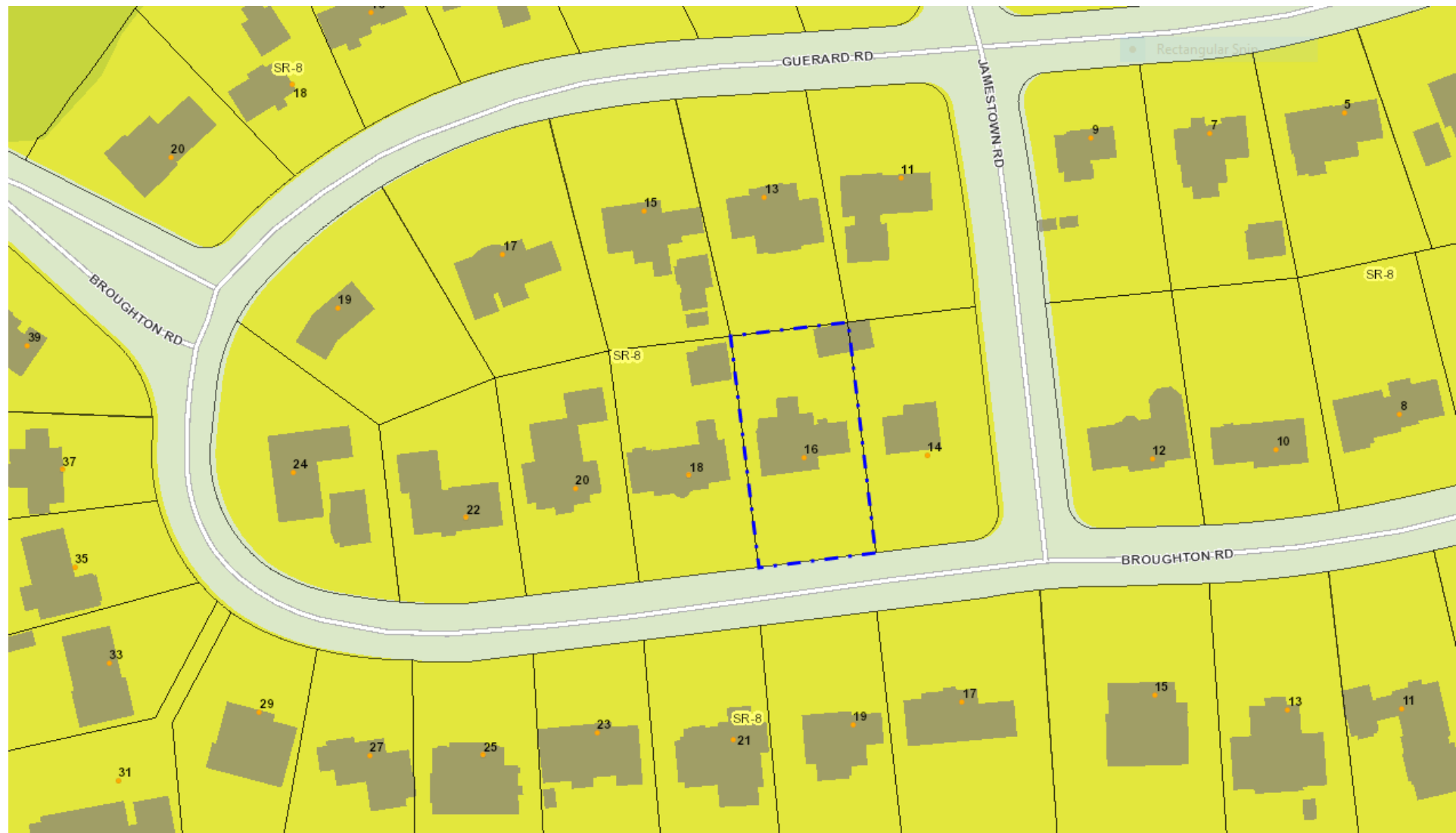
TMS # 421-14-00-046

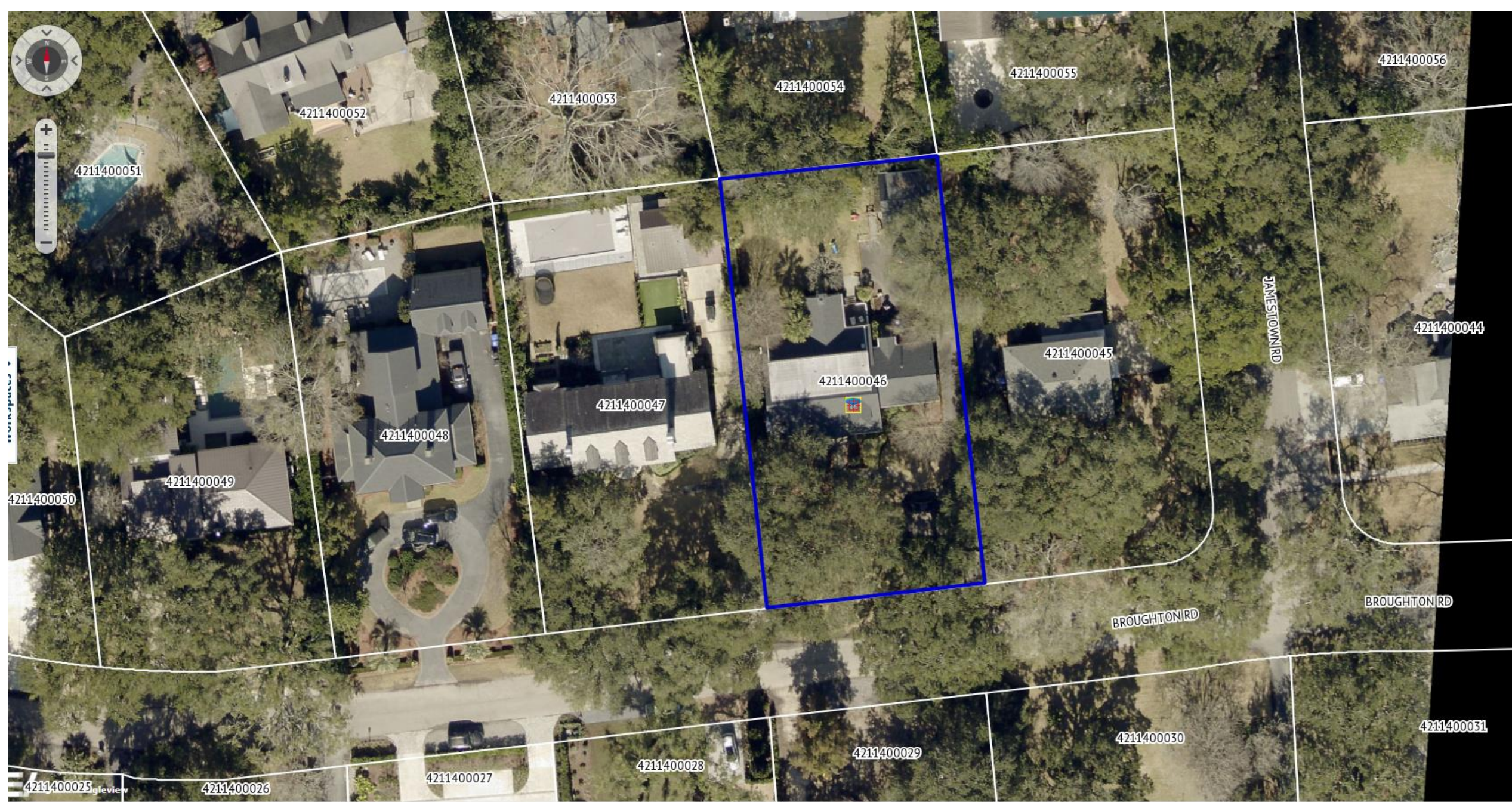
Request variance from Sec. 54-301 to allow an addition (garden room) to an existing garage with a 5.4-ft. east side setback and a 6.4-ft. rear setback (9-ft. and 25-ft. required).

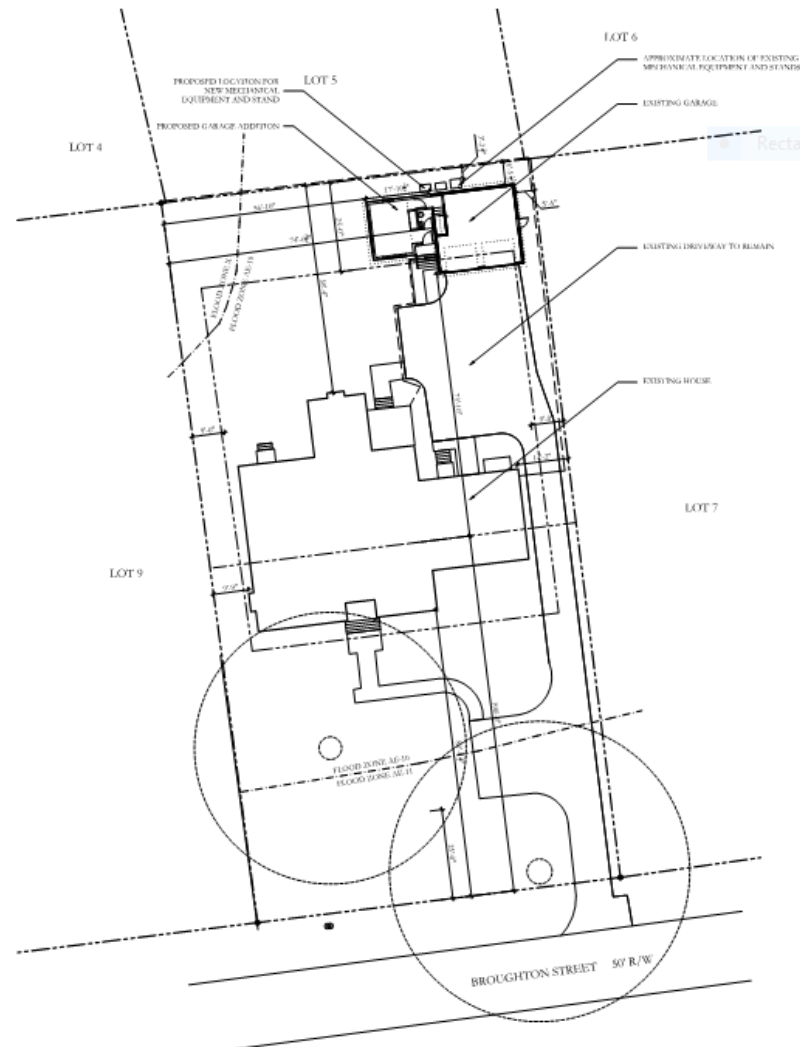
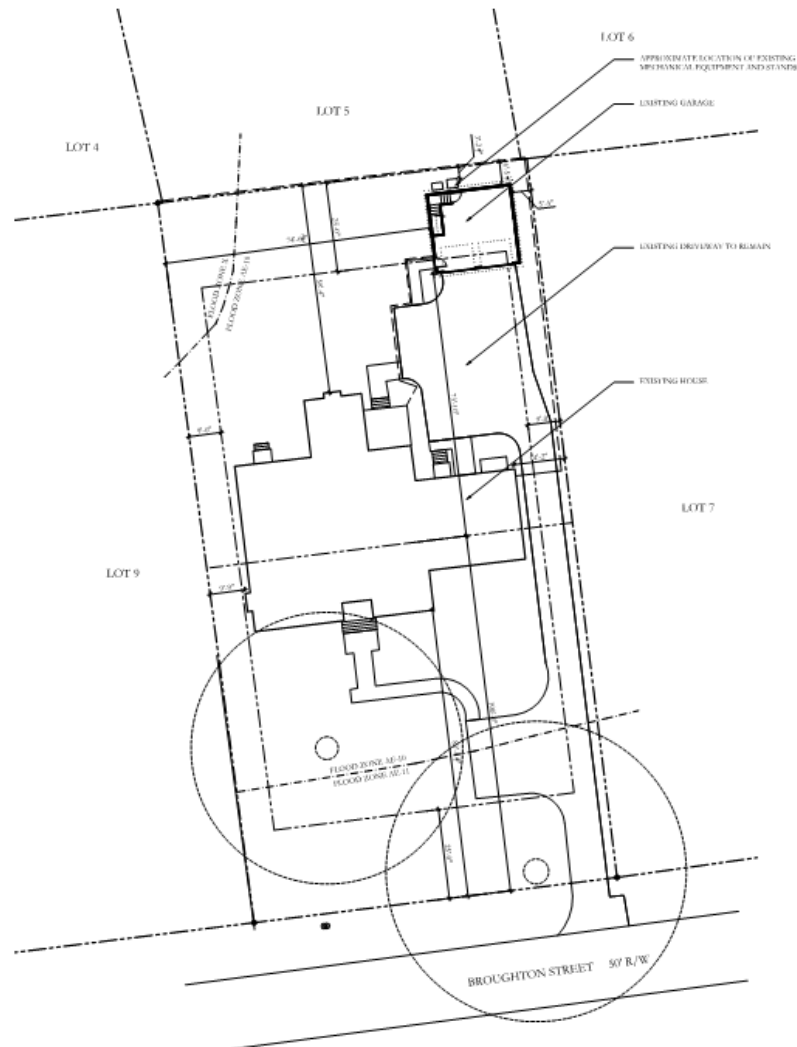
Request special exception under Sec. 54-110 to allow an existing hvac platform expansion that extends a non-conforming 3.2-ft. rear setback (25-ft. required).

Zoned SR-8









#43,790,4924

SeMArchitects.com



SEBASTIAN von MARSHALL
ARCHITECT

Sebastian.von.Marshall@gmail.com



RES-2 APPLICATION

6.22.2021

Project:

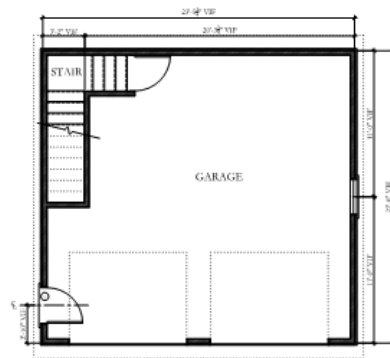
16 Broughton Rd.
Charleston, SC
29407

SITE PLAN

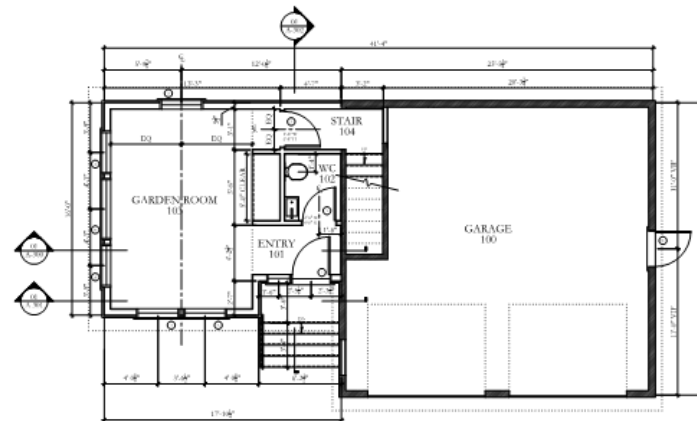
Scale:
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Date:
5.24.2021
Drawn By:
SvM
Project No:

Drawing No:
A-010

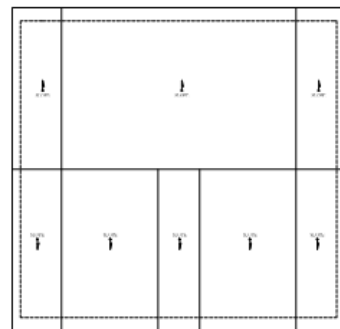
21005



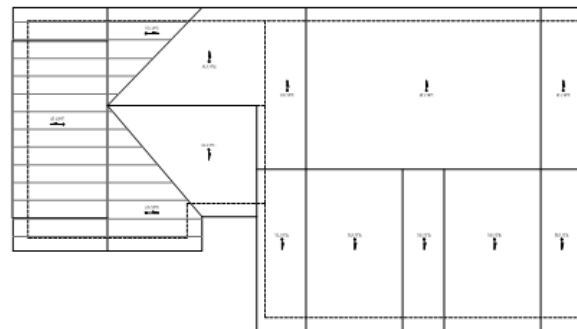
01 EXISTING FLOOR PLAN
1/4" = 1'-0"



02 PROPOSED FLOOR PLAN
1/4" = 1'-0"



03 EXISTING ROOF PLAN
1/4" = 1'-0"



04 PROPOSED ROOF PLAN
1/4" = 1'-0"

Rectangular Snip

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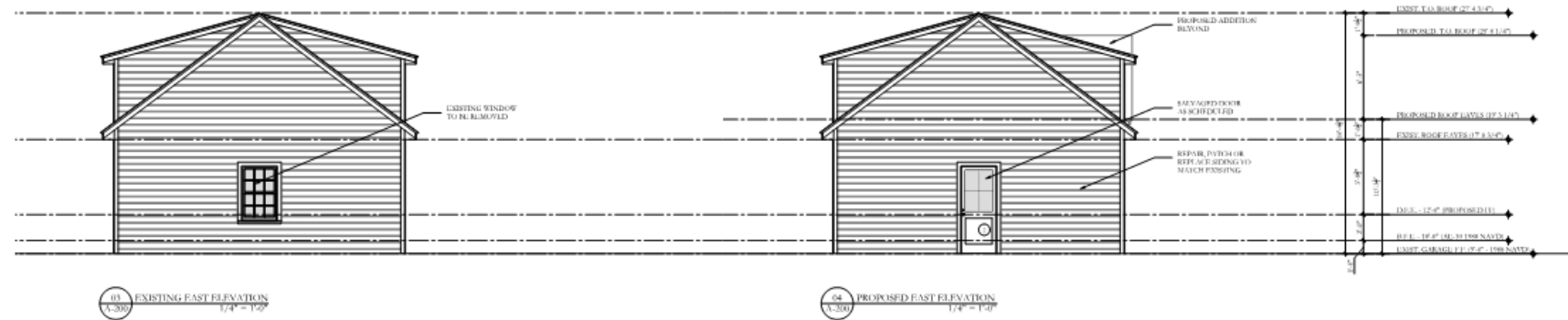
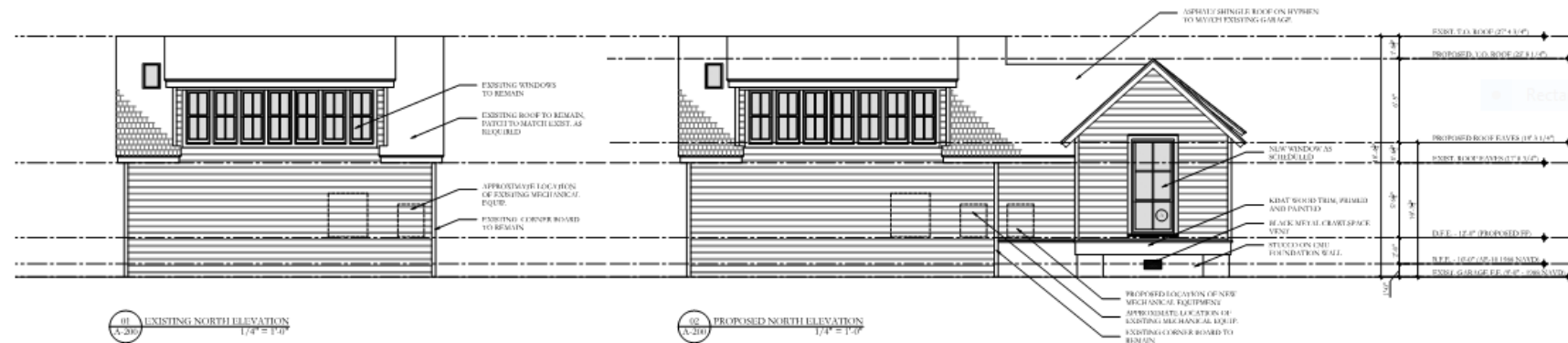
RE-A-Z APPLICATION
10/1/21
A-22-2021
D-01/21

16 Broughton Road
Charleston, SC
29407

FLOOR PLANS

Scale: 1/4" = 1'-0"
Date: A-22-2021
Drawn by: S+M
Project No: 21005

Sheet No: **A-100**



843.790.4924 SvMArchitect.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.von.Marschall@gmail.com



BAR APPLICATION 6/14/2021
EX-017

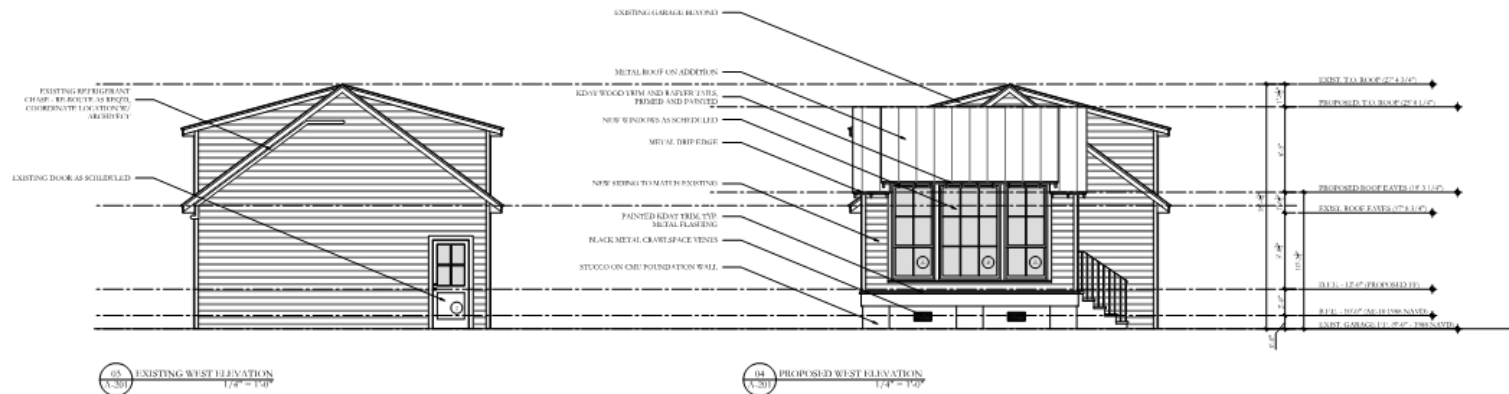
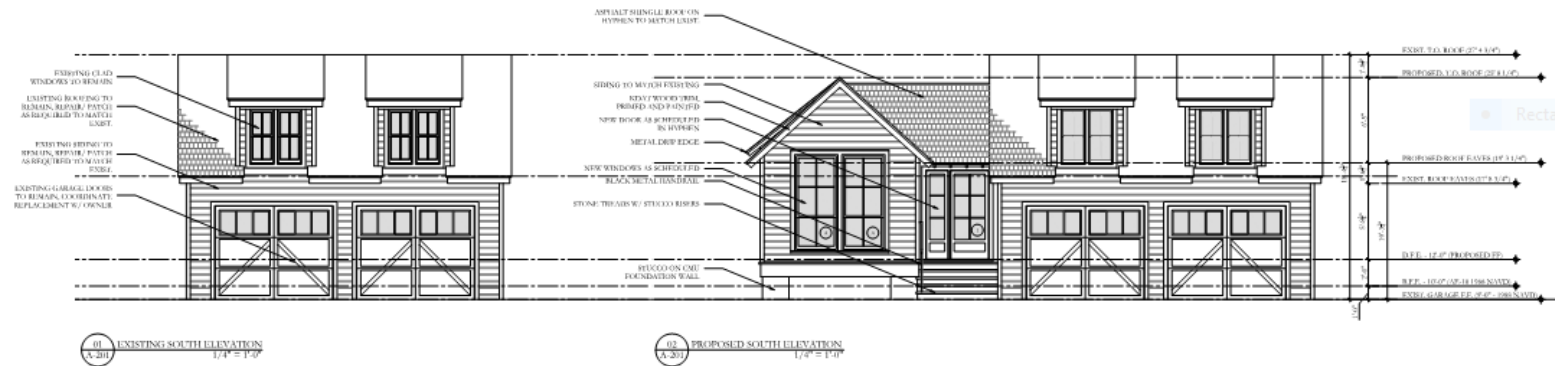
Project

16 Broughton Road
Charleston, SC
29407

EXTERIOR ELEVATIONS

Scale
1/4" = 1'-0"
Date
4.23.2021
Drawn By
SvM
Project No.
21003

Drawing No.
A-200



843.790.4924 SeMArchitect.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.von.Marschall@gmail.com

Rectangular Snip



RES-2 APPLICATION 4/23/2021
DATE: 01/01/21

16 Broughton Road
Charleston, SC
29407

EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"
Date: 4/23/2021
Drawn by: SeM
Project No: 21003

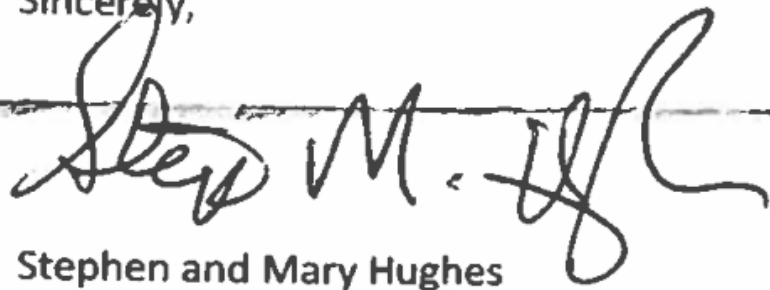
A-201

Support

To: The Staff and Board of the Charleston BZA-Z

Our names are Stephen and Mary Hughes and we live at 14 Broughton Road directly adjacent to 16 Broughton Rd. in Charleston, SC 29407. We have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and support their request for a Special Exception to extend the building as drawn.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Hughes", written over a horizontal line.

Stephen and Mary Hughes

Owners, 14 Broughton Road

June ____, 2021

To: The Staff and Board of the Charleston BZA-Z

Our name is Mark and Alex Andrews and we live at 18 Broughton Road, adjacent to 16 Broughton Rd. in Charleston, SC 29407. We have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and we support their request for a Special Variance to extend the building as drawn.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark and Alex Andrews', written in a cursive style.

Mark and Alex Andrews

Owners, 18 Broughton Road, Charleston, SC 29401

June 28, 2021

To: The Staff and Board of the Charleston BZA-Z

My name is Catherine Meehan and I live at 13 Guerard Road, behind 16 Broughton Rd. in Charleston, SC 29407. I have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and I support their request for a Special Variance to extend the building as drawn.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Meehan', with a large, stylized initial 'C'.

Catherine Meehan

Owner, 13 Guerard Road, Charleston, SC 29401



Application for Variance, Special Exception, Reconsideration, or Extension **Page 1 of 2**
to the **Board of Zoning Appeals – Zoning (BZA-Z)**

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: July 20, 2021

Property Address 16 Broughton Road TMS # 421-14-00-046

Property Owner H. N. Ritter III and Ann K. Ritter Daytime Phone _____

Applicant Sebastian von Marschall Architect, LLC Daytime Phone 843.790.4924

Applicant's Mailing Address 3 Ladson Street, Charleston, SC 29401

_____ E-mail Address sebastian.von.marschall@gmail.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Design Professional

Zoning of property SR-8

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES** or ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Sebastian von Marschall **Date** 6/21/2021

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

The applicant is requesting a variance pursuant to section 54-301, for an addition to an existing Accessory structure with a rear yard setback of 6.5' (25' required). 1. The existing accessory structure was granted an exception pursuant to §54-506 in 2006, locating it within the 25' rear yard setback. 2. It appears to the applicant that other accessory structures nearby exceed the 600sf limit for the exception in §54-506 making them existing non-conforming.

3. As a result, this accessory structure can not be enlarged without a variance. 4. The accessory structure is located

in the rear of the property with limited visibility from the public ROW. The owner is reaching out to adjacent neighbors for support of the proposed addition. Furthermore, there is precedent for Accessory Structures larger than 600sf located in the side and rear yard setback in this neighborhood as mentioned in item 2. above.

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Request for a Special Exception pursuant to Section 54-110, extending an existing non-conforming rear-yard setback (25' required, 6.5' existing) of an existing non-conforming garage mechanical stand.

The proposed extension would follow the existing 6.5' existing setback. The proposal would locate additional equipment in line with the existing units.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

16 BROUGHTON ROAD GARAGE ADDITION CHARLESTON, SC 29407

TMS #: 421-14-00-046

ARCHITECT

SEBASTIAN VON MARSHALL ARCHITECT, LLC
3 LADSON ST.
CHARLESTON, SC 29401
TEL: 843.790.4924

DRAWING #:	DRAWING TITLE:	ISSUANCE:	ISSUE DATE:
	ARCHITECTURAL DRAWINGS		
A-001	COVER SHEET	RZA-Z APPLICATION	6-21-2021
A-002	GENERAL NOTES	RZA-Z APPLICATION	6-21-2021
	SURVEY	RZA-Z APPLICATION	6-21-2021
A-004	EXISTING SITE IMAGES	RZA-Z APPLICATION	6-21-2021
A-005	EXISTING SITE IMAGES	RZA-Z APPLICATION	6-21-2021
A-006	SITE PLANS	RZA-Z APPLICATION	6-21-2021
A-100	FLOOR PLANS	RZA-Z APPLICATION	6-21-2021
A-200	EXTERIOR ELEVATIONS	RZA-Z APPLICATION	6-21-2021
A-201	EXTERIOR ELEVATIONS	RZA-Z APPLICATION	6-21-2021
A-300	BUILDING SECTIONS	RZA-Z APPLICATION	6-21-2021
A-301	BUILDING SECTIONS	RZA-Z APPLICATION	6-21-2021
A-302	BUILDING SECTIONS	RZA-Z APPLICATION	6-21-2021
A-400	WALL SECTIONS	RZA-Z APPLICATION	6-21-2021
A-400	DOOR AND WINDOW SCHEDULE	RZA-Z APPLICATION	6-21-2021
A-100	FIRST FLOOR ELECTRICAL PLAN	RZA-Z APPLICATION	6-21-2021

ZONING #B-8	ADDITION TO EXISTING HOME CONFORMING GARAGE:	EXISTING AREA**	PROPOSED AREA**
ZONING #B-8, FEMA FLOOD ZONE:			
	FIRST FLOOR	532 SF	909 SF
	ATTIC	532 SF	532 SF
	TOTAL	1064 SF	1340 SF
ZONING COMPLIANCE	ZONING REQUIREMENT	EXISTING	PROPOSED
SETBACK REQUIREMENTS			
TOTAL FRONT/ REAR SETBACK	5'	180.0'	ETR
FRONT YARD SETBACK	15'	175.0'	ETR
REAR YARD SETBACK	15'	0.0'	ETR
TOTAL SIDE SETBACK	5'	75.0'	62.5'
SOUTH/ WEST SIDE SETBACK	0'	54.5'	54.5'
NORTH/ EAST SETBACK	0'	0.0'	0.0'
LOT COVERAGE, FENCES, ACCESSORY STRUCTURES			
MAX. BUILDING LOT COVERAGE	25% OF 20223 SF = 5205.75 SF	5790.35 SF	4044.35 SF
MAX HEIGHT LIMITS (STRUCTURES)	15' / 2 1/2 STY.	ETR	ETR
MAX HEIGHT LIMITS (FENCES/ WALLS)	0'	0'	ETR
ACCESSORY BLDG. SETBACK			
FROM FRONT STREET	LESS OF 100' OR FRONT SETBACK OF PRINCIPAL BLDG.	175.0'	ETR
FROM REAR PROPERTY LINE	25'	0.0'	ETR
FROM SIDE STREET	15'	N/A - INTERIOR LOT	ETR
ADDT DWELLING DIST. FROM FRONT LOT LINE	NOT ALLOWED	N/A	N/A
** MEASURED TO PERIMETER AT EXTERIOR F.O. WALL			



843.790.4924 SeMArchitect.com

SEBASTIAN VON MARSHALL
ARCHITECT

Schmitt.von.Marshall@gmail.com

Rectangular Snip



RZA-Z APPLICATION 6-21-2021
010121 010111

Project
16 Broughton Road
Charleston, SC
29407

COVER SHEET

Task
NTS
Date
4-22-2021
Drawn By
SeMA
Project No.
21003

A-001

LEGEND:

- SEWER CLEAN-OUT/SERVICE
- WATER VALVE
- IS 5/8"RB (IRON SET) SIZE/TYPED NOTED
- IF (IRON FOUND) SIZE/TYPED NOTED
- ▲ PK NAIL SET
- ▲ PK NAIL FOUND
- WATER METER
- ELECTRICAL TRANSFORMER
- ELECTRICAL BOX
- TELEPHONE BOX
- + SPOT ELEVATION
- POWER POLE
- WATER SERVICE

- LOT LINE
- DNEC-OCOM (MARSH GRASS LINE)
- ADJACENT LOT LINE
- X - FENCE

DATUM:

THE BEARINGS SHOWN HEREON ARE SOUTH CAROLINA GRID NAD 1983 (2011) MODEL. VERTICAL DATUM IS BASED ON NAVD 1988.

NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

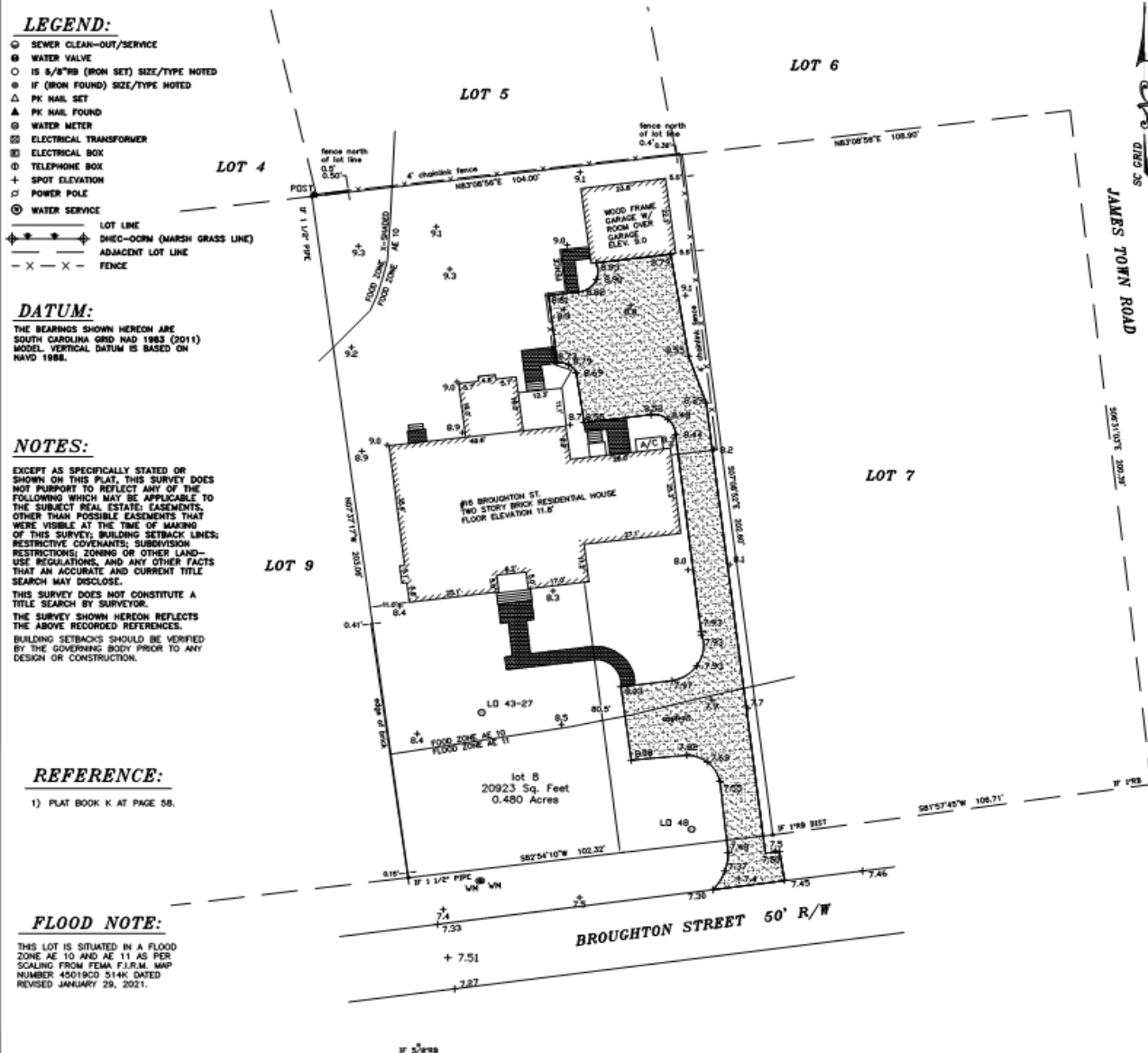
THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES. BUILDING SETBACKS SHOULD BE VERIFIED BY THE GOVERNING BODY PRIOR TO ANY DESIGN OR CONSTRUCTION.

REFERENCE:

- 1) PLAT BOOK K AT PAGE 58.

FLOOD NOTE:

THIS LOT IS SITUATED IN A FLOOD ZONE AE 10 AND AE 11 AS PER SCALING FROM FEMA F.I.R.M. MAP NUMBER 45018C01 514K DATED JANUARY 29, 2021.



LOCATION MAP N.T.S.



BRITT LAND SURVEYING, INC.
P.O. BOX 80333
CHARLESTON, SC 29416
843-810-6771
WWW.BRITTSURVEYINGINC.COM

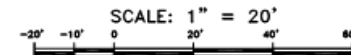


I, Dean L. Britt, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown herein that this survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class _____ survey as specified therein.

Date: / /

DEAN L. BRITT PLS S.C. REG. NO. 15792

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.



PLAT OF:
AS-BUILT SURVEY SHOWING LOT 8
BLOCK H THE CRESCENT
PREPARED FOR:
H.N. Ritter, III and Ann K. Ritter
LOCATED IN THE CITY OF CHARLESTON
CHARLESTON COUNTY - SOUTH CAROLINA

THIS SURVEY IS THE PROPERTY OF BRITT LAND SURVEYING, INC. AND IS PROVIDED AS A SERVICE TO RITTER AND ANN RITTER. THIS SURVEY IS NOT FOR THE USE OF MARKETING, NOR IS IT TRANSFERABLE / SELLABLE, AND IS ONLY INTENDED FOR THE NAME SHOWN HEREON.

LOCATION:	16 BROUGHTON STREET - 29407
TAX MAP #	421-14-00-046
DATE:	MAY 17, 2021
FIELD DATE:	APRIL 29, 2021
JOB NO.	213388
COUNTY/STATE	CHARLESTON, S.C.



01
A-004

EXISTING GARAGE, SEEN FROM THE DRIVEWAY TO THE SOUTH
NTS



02
A-005

EXISTING GARAGE, SEEN FROM THE LAWN TO THE WEST
NTS

843.790.4924 SeMArchitects.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.von.Marschall@gmail.com



REG. APPLICATION: 4/20/2021

DATE: 05/11/21

Page:

16 Broughton Rd.
Charleston, SC
29407

EXISTING SITE IMAGES

Scale: NTS	Drawing No:
Date: 3.21.2021	A-004
Drawn By: N/M	
Check By:	

21005



01 EXISTING GARAGE DETAIL, MECHANICAL EQUIPMENT SEEN FROM THE NORTH WEST
A-005 NTS



02 EXISTING GARAGE, MECHANICAL EQUIPMENT SEEN FROM THE WEST
A-005 NTS

843.780.4924 SeMArchitect.com

SEBASTIAN von MARSHALL
ARCHITECT

Sebastian.von.Marshall@gmail.com



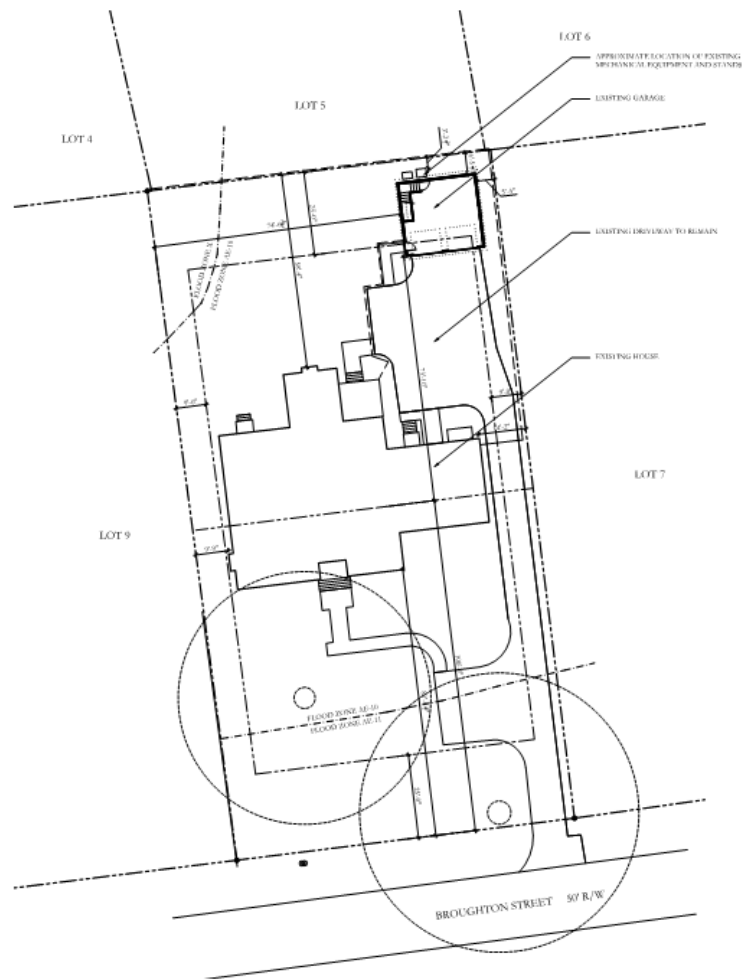
Rectangular Snip

SEA-C APPLICATION 6/21/2021
(SEA-C) (P. 01)

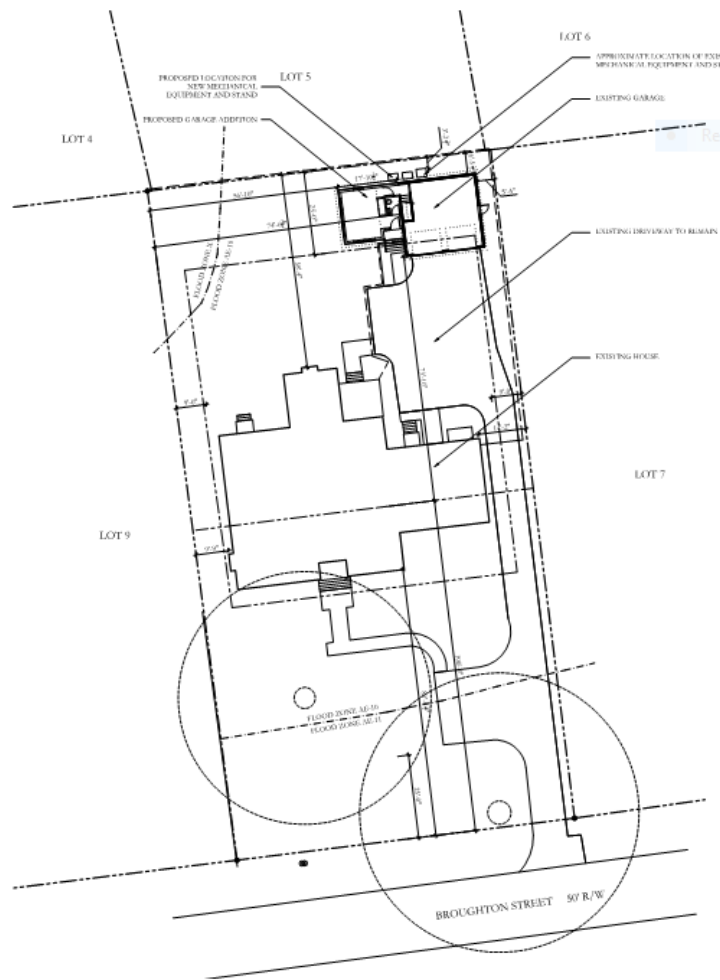
16 Broughton Rd.
Charleston, SC
29407

EXISTING SITE IMAGES

Scale NTS	Drawing No. A-005
Date 8.21.2021	
Drawn By SeM	
Project No. 21005	



01 EXISTING SITE PLAN
1/16" = 1'-0"



02 PROPOSED SITE PLAN
1/16" = 1'-0"



843.790.4524 SebastianArchitect.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.vonMarschall@gmail.com



REG. APPLICATION 423.203

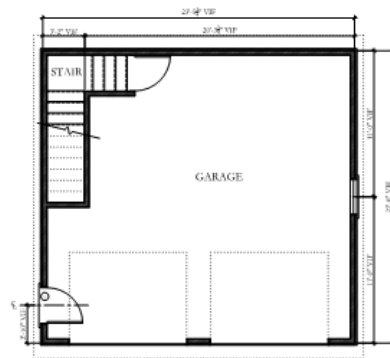
DATE: 12-01-2021

16 Broughton Rd.
Charleston, SC
29407

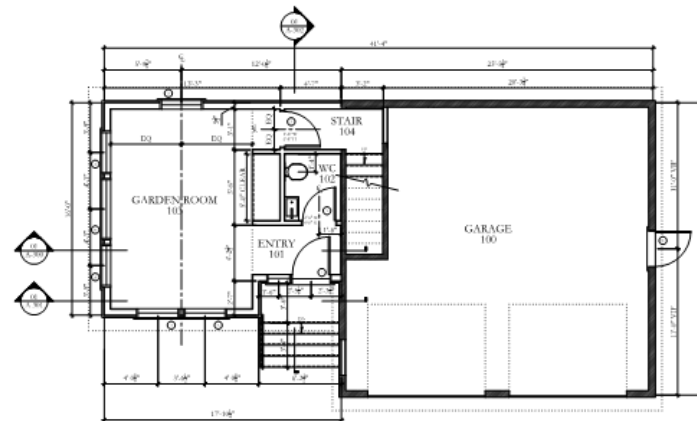
SITE PLAN

Scale: 1/16" = 1'-0"	Drawing No.:
Date: 4-24-2021	
Drawn by: SVM	
Project No.:	21003

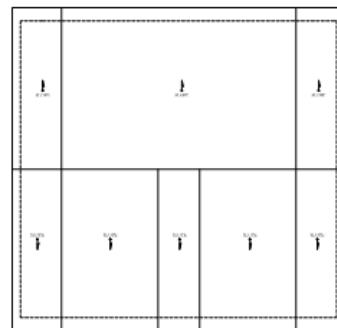
A-010



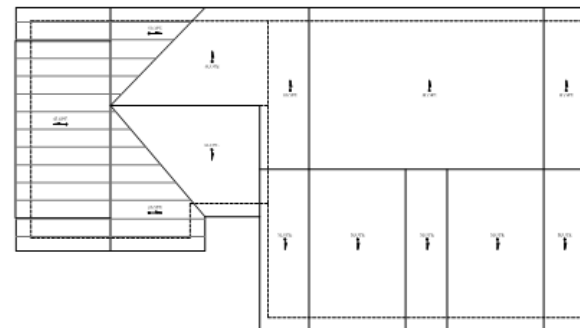
01 EXISTING FLOOR PLAN
1/4" = 1'-0"



02 PROPOSED FLOOR PLAN
1/4" = 1'-0"



03 EXISTING ROOF PLAN
1/4" = 1'-0"



04 PROPOSED ROOF PLAN
1/4" = 1'-0"

Rectangular Snip

843.790.4924 SeMArchitect.com

SEBASTIAN von MARSHALL
ARCHITECT

Sebastian.von.Marshall@gmail.com



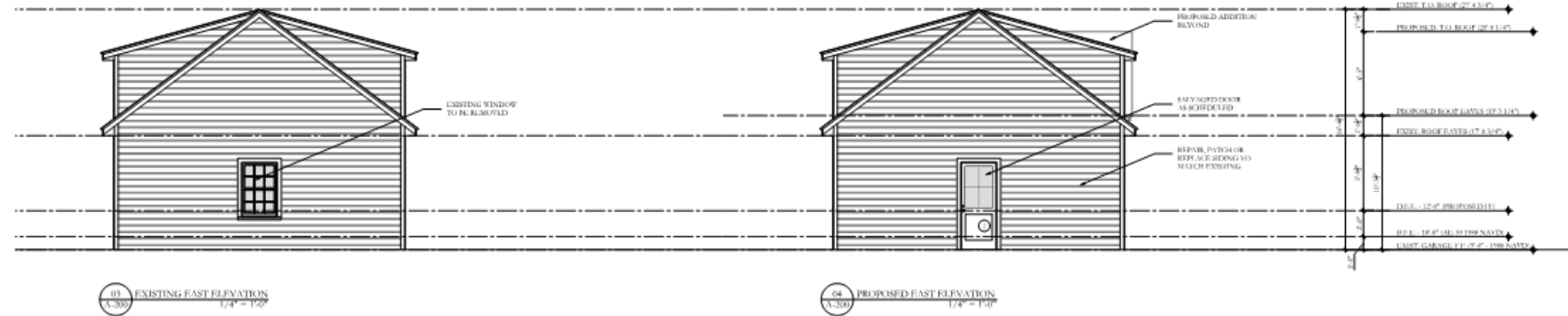
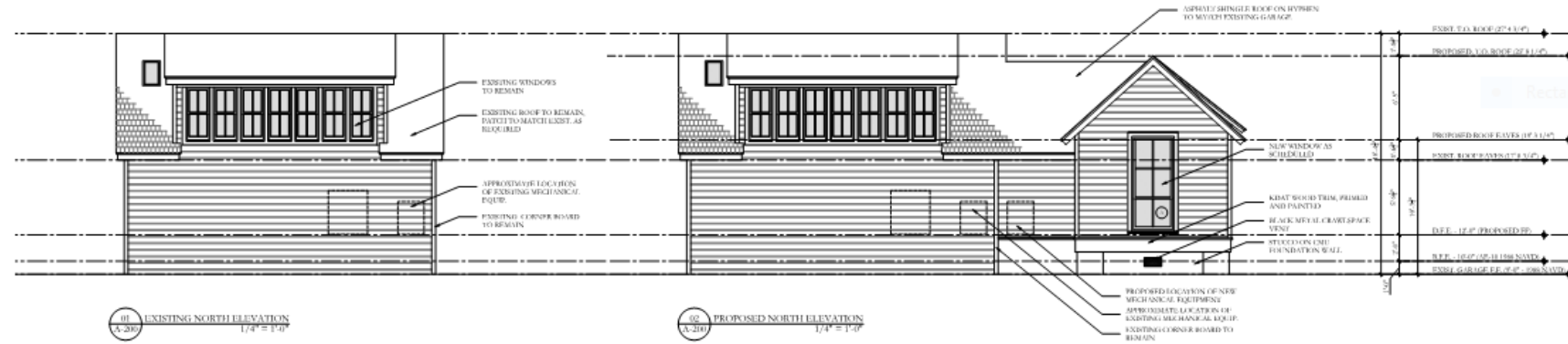
RE-A-Z APPLICATION 4.23.2021
101121 101693

Project
16 Broughton Road
Charleston, SC
29407

FLOOR PLANS

Scale 1/4" = 1'-0"	Drawing No. A-100
Date 4.23.2021	
Drawn by SvM	
Project No. 21005	





843.790.4924 SvMArchitect.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.von.Marschall@gmail.com



BAR APPLICATION 6/14/2021
EXPIRY: 05-01-21

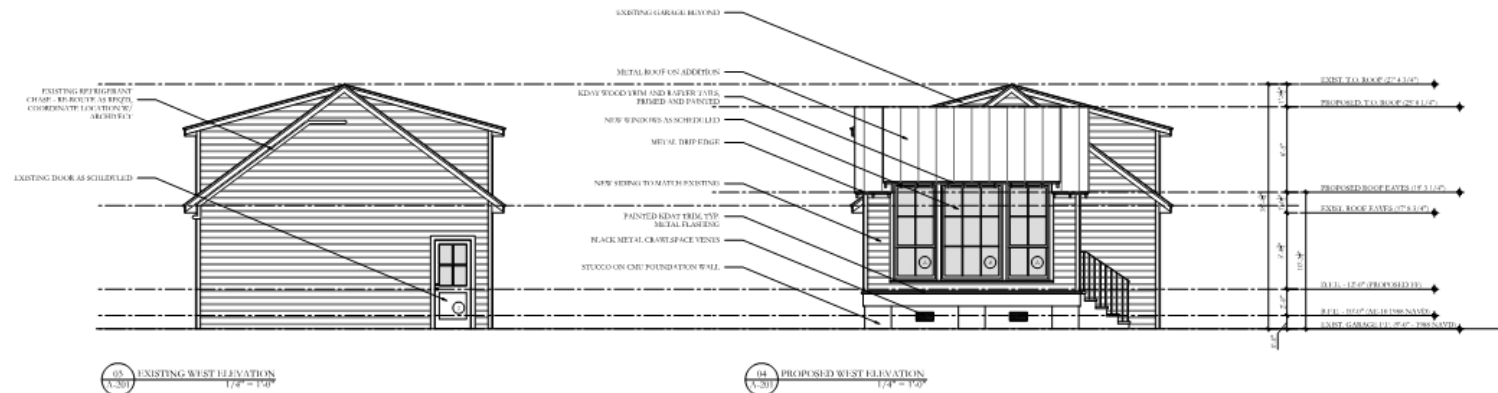
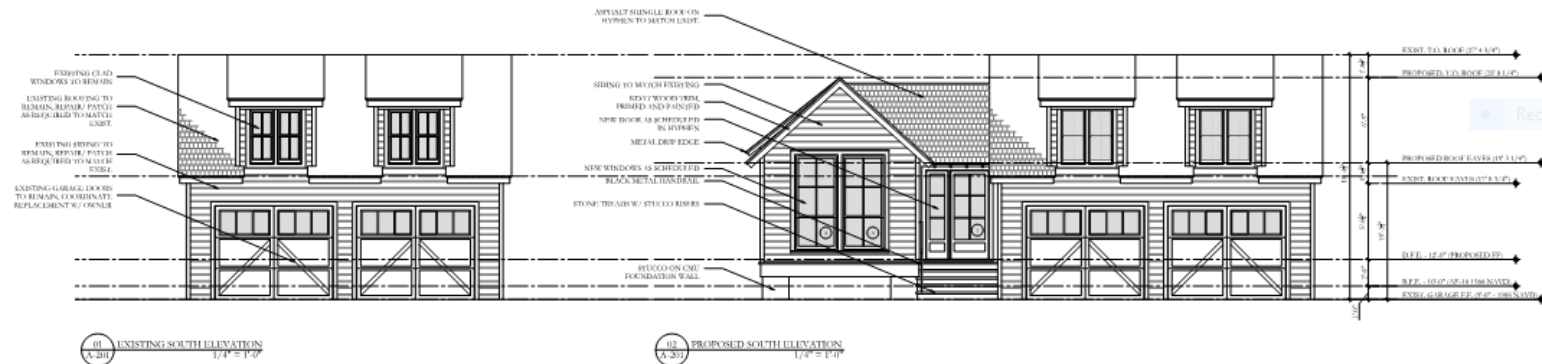
Project:

16 Broughton Road
Charleston, SC
29407

EXTERIOR ELEVATIONS

Title:
1/4" = 1'-0"
Date:
4.23.2021
Drawn By:
SvM
Project No:
21003

Drawing No:
A-200



843.790.4924 SeMArchitect.com



SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian.von.Marschall@gmail.com

Rectangular Snip



RES-2 APPLICATION 4/23/2021
DATE: 01/01/21

16 Broughton Road
Charleston, SC
29407

EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"
Date: 4/23/2021
Drawn by: SeM
Project No: 21003

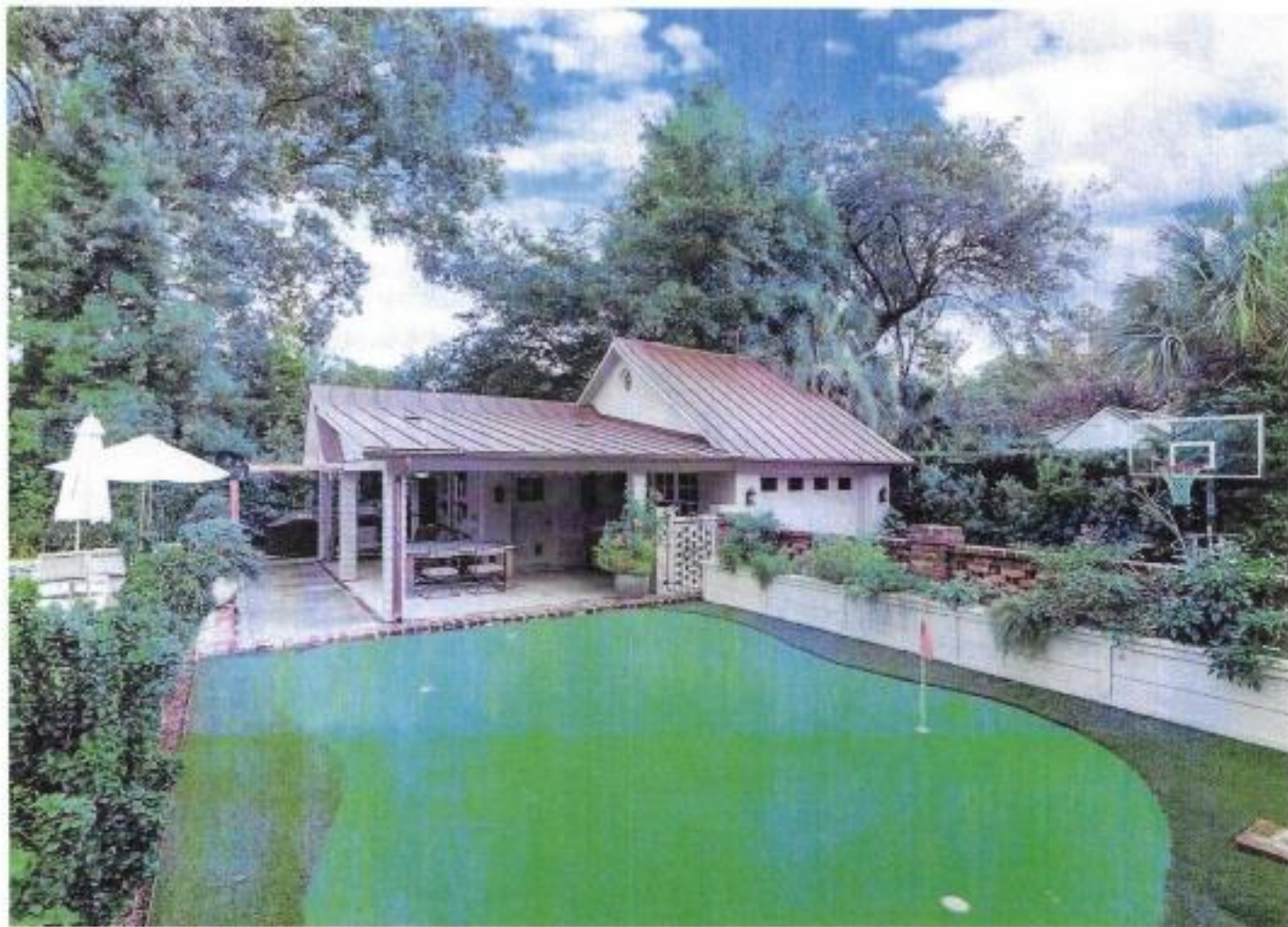
A-201



16 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



16 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



18 Broughton Road, Image of the Garage (Zillow)



18 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



19 Broughton Road, seen from the in front of the lot (Photo by SvMA, taken 7.22.2021)



19 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



5 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



11 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



10 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



13 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)



21 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)

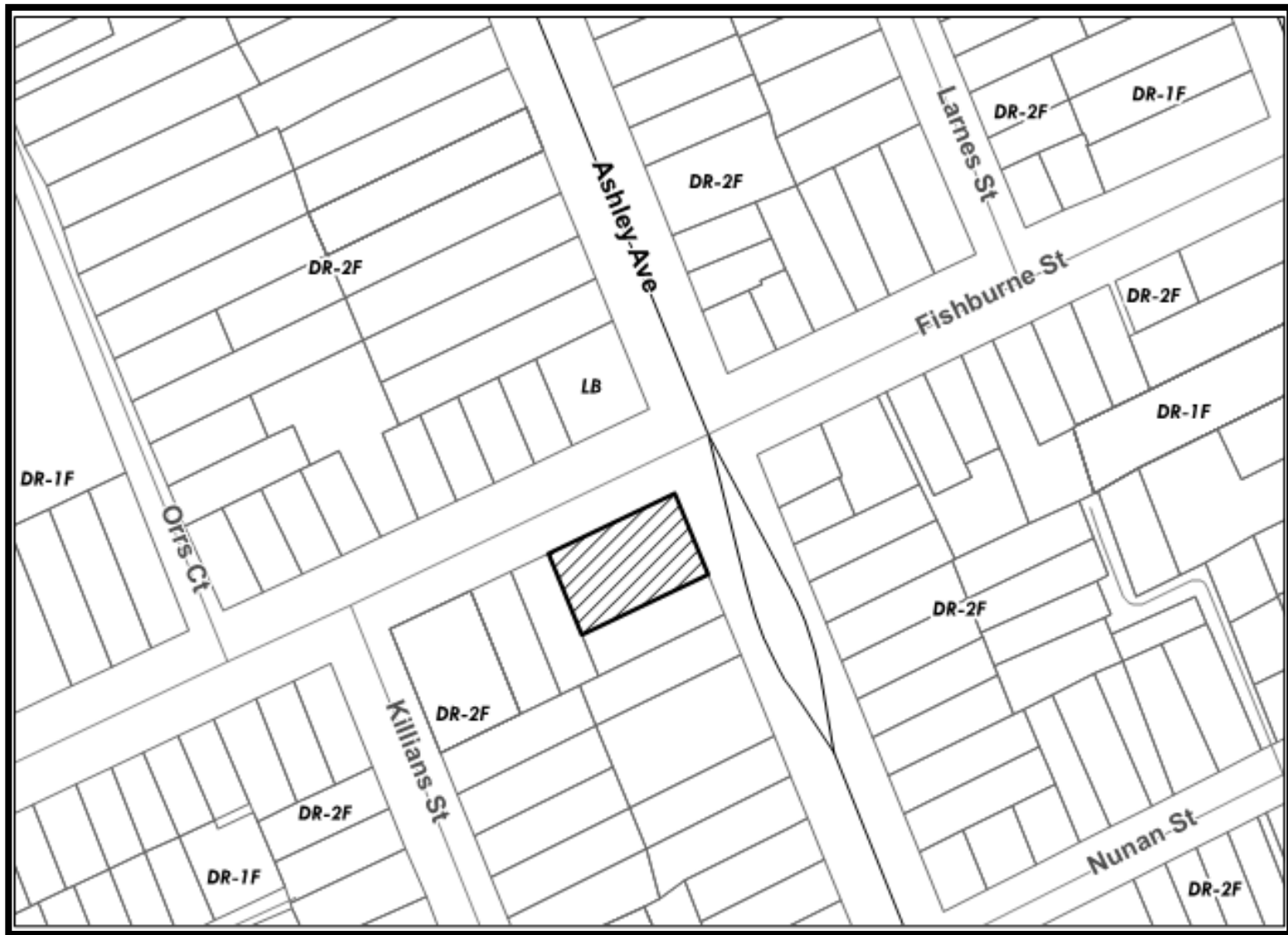
Agenda Item #A-4

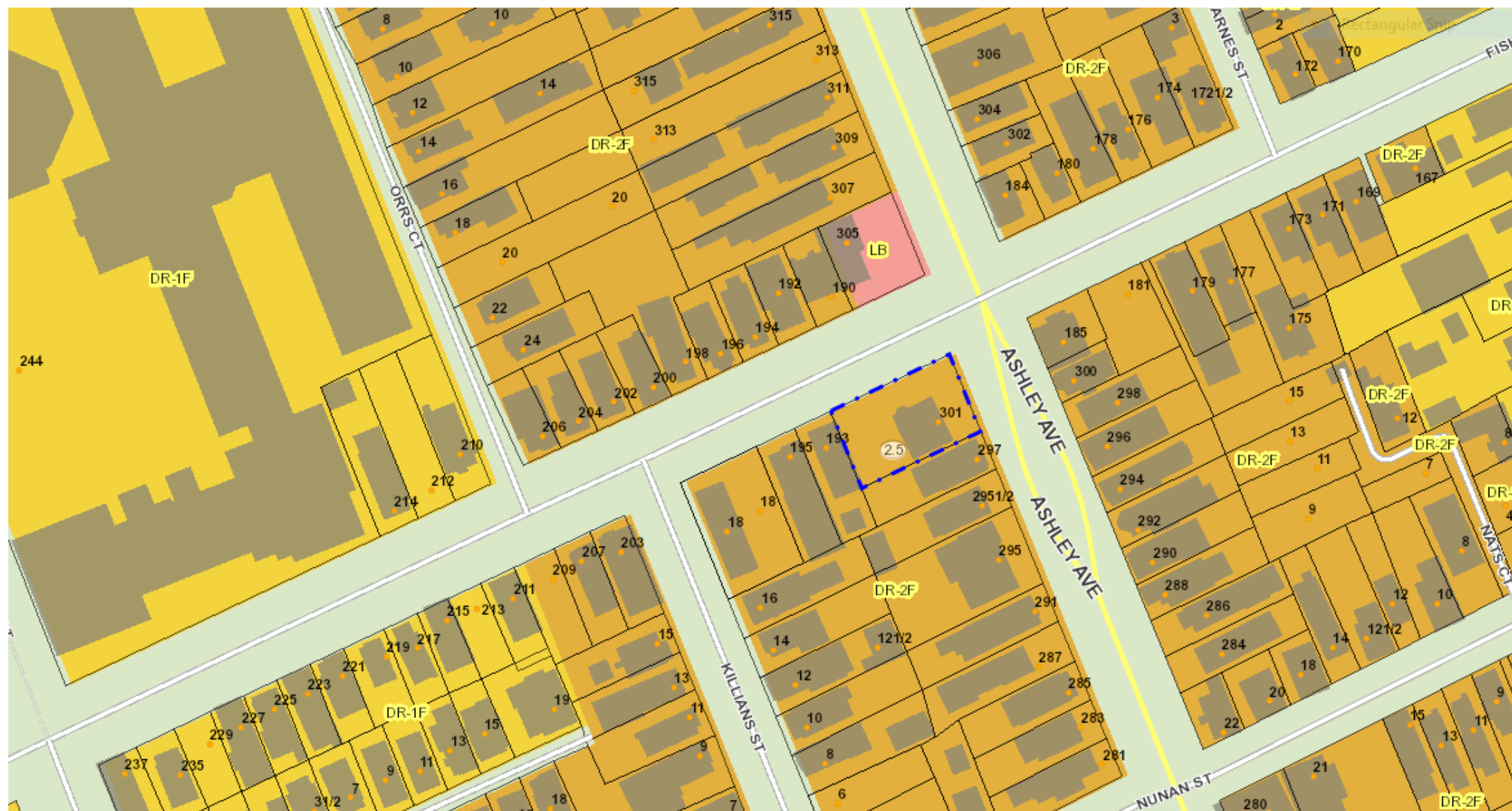
301 ASHLEY AVENUE
(WESTSIDE)

TMS # 460-07-02-015

Request variance (after-the-fact) from Sec. 54-301 to allow a deck/gazebo addition with a 1.5-ft. west side setback (7-ft. required).

Zoned DR-2F









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 7/20/21

Property Address 301 Ashley Avenue TMS # 460-07-02-015

Property Owner Stephen Gerhard Daytime Phone 720-276-7661

Applicant (Same) Daytime Phone _____

Applicant's Mailing Address 301 Ashley Avenue, Charleston SC 29403

E-mail Address Stephen.Gerhard@mastercard.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Same

Zoning of property Residential

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, credit card or cash (make checks payable to the City of Charleston)
- ☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
- ☒ Letters or petitions from neighbors or organizations directly affected by your request

certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Stephen Gerhard Date 6/17/21

or office use only
late application received _____ Fee \$ _____
staff person _____ Time application received _____
Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

(See attached)

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

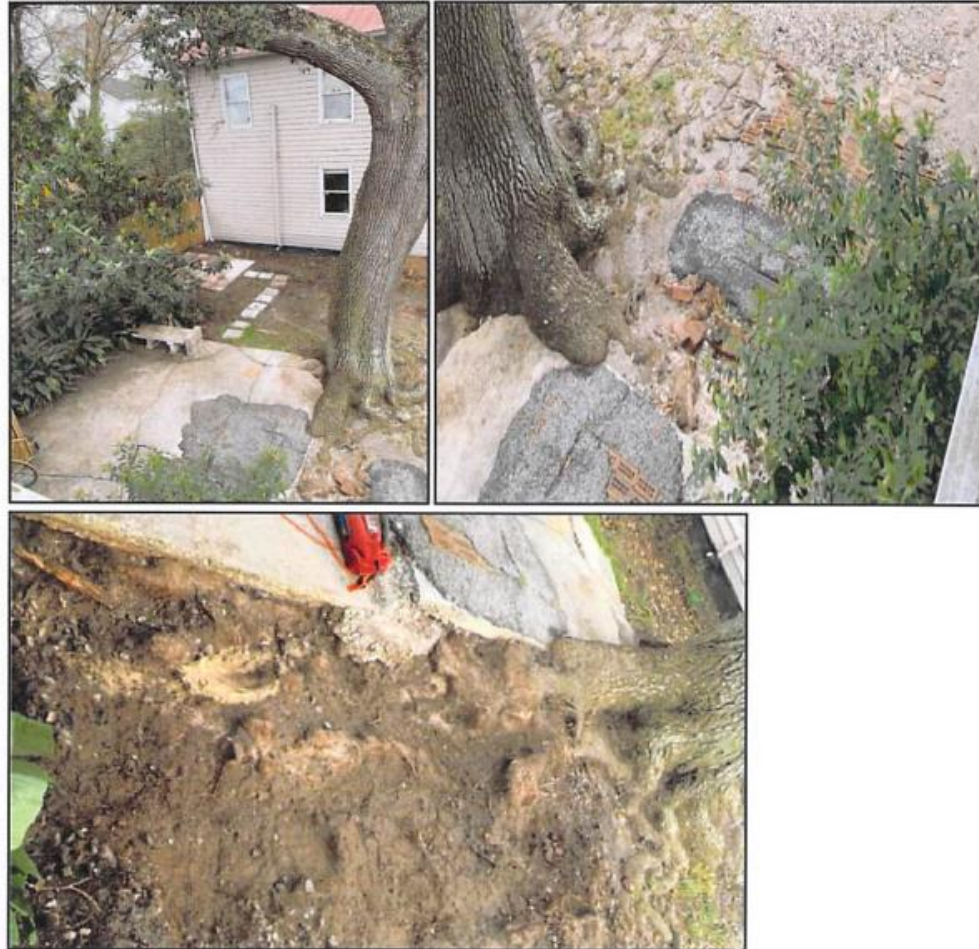
All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

301 Ashely Avenue, Charleston, SC 29403
Request by Owner: Stephen Gerhard

Part I: Permit

I am requesting a permit retroactively for a wooden deck structure that I built without permission in 2020. Per the updated Site Survey attached, the deck is approximately 43' by 13', and extends from the rear of my home to the southwestern corner of my lot.

Before contemplating a deck, my first task was to repair or replace a large, damaged concrete slab (5" thick, ~225 sqft), which (per pics below) was cracked by the root system of the large oak tree in my yard. Each crack elevated the slab, exposing sharp corners & edges, which were identified as a **Trip Hazard** on my Inspection Report January 2020. Over time, previous owners of my house continually poured a combination of asphalt (black) and bricks (red) on-top-of the cracked concrete slab. Each layer put more pressure on the root system, and created an eye-sore beneath the tree.



With approvals from all utility providers, I removed all concrete/asphalt/bricks using tools rented from Sun Belt Rentals. Below is a picture of the fully cleared area.



With the ground cleared, I decided to construct an elevated surface to ensure that the roots of the Oak Tree are **protected permanently** from materials and foot traffic. I did not secure a permit, which was a crucial mistake, and one I'm extremely motivated to atone for now, per your decision.

Part II: Variance

I am requesting a 1.5' variance against the 3' setback along the western property line of my lot, which is a zero-lot-line. All other setbacks have been honored. I am requesting a Variance for 2 reasons:

1. Protecting the root system of the Oak Tree

The deck is grounded by concrete footers. From the beginning, I ensured that each footer was set intentionally, in a location that **DID NOT** impact the root system of the oak tree. Per the image below, there is a large network of tree roots in the 'last row', and '2nd to last row' of footers.



To protect those roots, I set my footer 1.5" further west, thus encroaching into the set-back-area by 1.5". In the picture below ('last row'), the GREEN marker represents 3" from property line (see roots), and the WHITE marker is 1.5" from the property line (see concrete footer).



2. Existing Encroachment from south-side neighbor (297 Ashley)

In the southwest corner of my lot, a wooden privacy fence was installed ~4' inside my property line. This south-side fence shortens the width of my lot. I'm blocked from accessing that square-footage, it is only accessible from my southside neighbor at 297 Ashley. The forfeited square-footage (southern property line) impacted placement on the deck, thus I am requesting a variance for encroaching into the set-back-area to the west (western property line).

For the avoidance of doubt, I am not challenging the encroachment from 297 Ashley (South), I am strictly requesting a variance for encroaching into 3" set-back-area for 193 Fishburne. Per the neighbor acknowledgement letter also attached, the new owner of 193 Fishburne, Ryan Kasyan, is fully supportive of the encroachment, as it is not detrimental or restrictive to his home or lot.

Part III: Summary

In summary, I made two critical mistakes: 1) failing to request a permit to build the deck, and 2) failing to comply with the 3" set-back-laws. I'm writing to apologize, and with full admission of guilt, request permit approval retroactively, and a variance to the set-back-rule on the western property line.

Below are photos of the deck in its current state as of 6/18/21. No construction has been done since receiving the Stop Work Order. Thank you for your consideration, please do not hesitate to contact for additional photos or information.













Dear Charleston Board of Zoning Appeals – Zoning (BZA-Z),

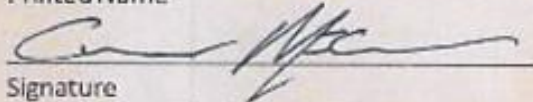
I have been informed of and approve of the proposed plans to build a residential deck in the back yard of 301 Ashley Avenue, Charleston, SC by the owner of the adjoining property, Stephen Gerhard. I understand that the site plan includes the following:

- Structure is approximately 13'x37 deck dimensions (~480 square feet)
- Structure is to be built in the SW corner of the lot (301 Ashley)
- Structure is to be built with a 1.5' setback on the west side property line (193 Fishburne)
 - 1.5' variance from the 3' setback rule
- Structure is to honor the south-side property line setback (297 Ashley)

Sincerely,

Connor McCann

Printed Name



Signature

297 Ashley Avenue

Home Address

5/25/21

Date

Agenda Item #B-1

62 CHURCH STREET

(CHARLESTOWNE)

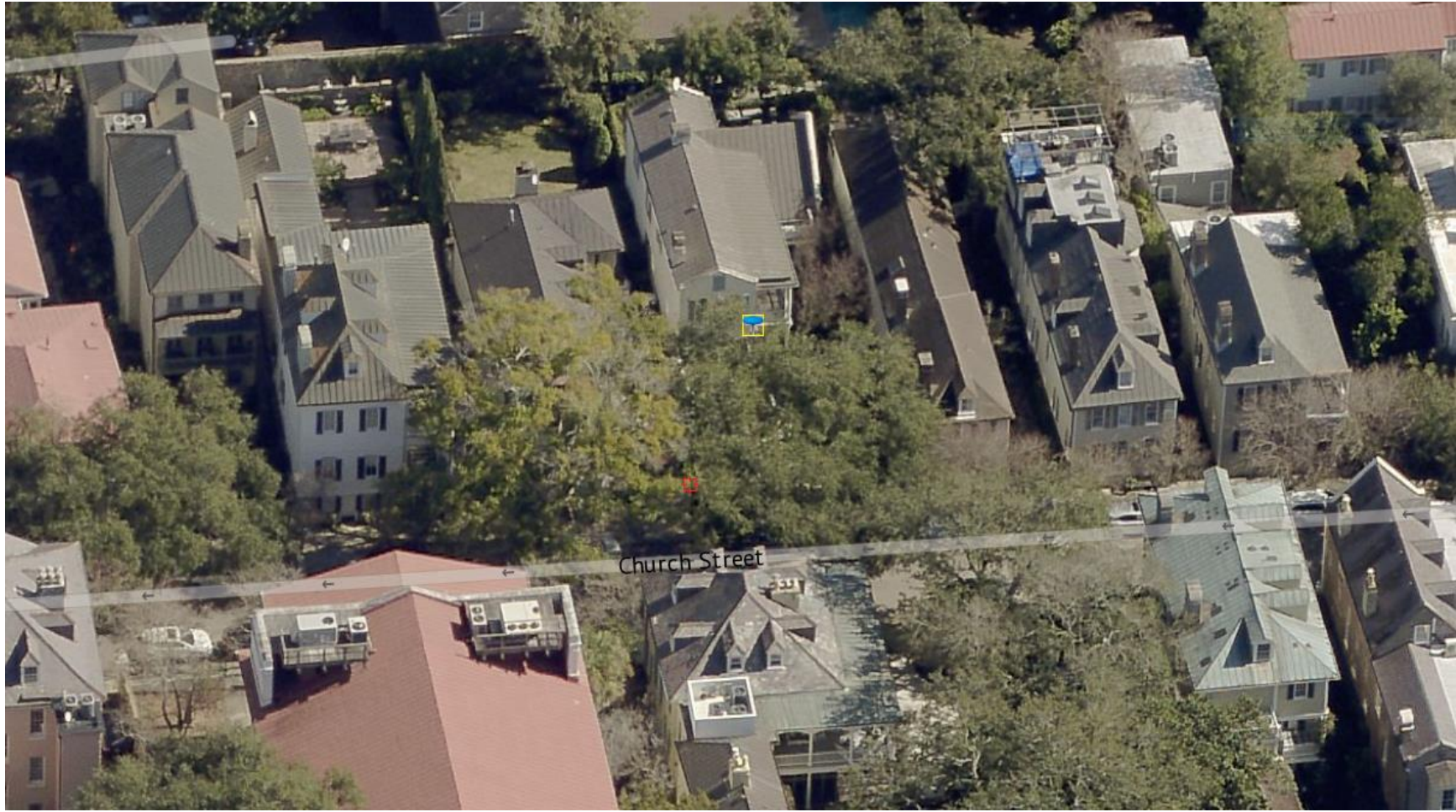
TMS# 458-13-01-097

Request special exception under Sec. 54-110 to allow a horizontal expansion (garden room) and vertical extension (hall/closet/exercise/laundry) that extends a non-conforming 6.2-ft. south side setback (9-ft. required).

Request variance from Sec. 54-301 to allow a 2-story addition having a 43% lot occupancy (35% limitation; existing lot occupancy 37%).

Zoned SR-4









Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2
to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: _____

Property Address 62 Church St TMS # C 4581301097

Property Owner Erika and George Wallace Daytime Phone 804-301-6120

Applicant George Wallace Daytime Phone 804-301-6120

Applicant's Mailing Address 62 Church St, Charleston, SC 29401

E-mail Address skip@islandarchitects.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property SR4

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☒ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant George Wallace Date 5/27/21

For office use only	
Date application received _____	Time application received _____
Staffperson _____	Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

A variance is requested to increase the lot occupancy which is currently over the allowable lot coverage of 35% (1678 sq. ft.) by 103 sq. ft. (37.14%). We are requesting to add a one room addition on the rear (East) side of the residence not visible from Church Street of 279 sq. ft., bringing the total lot occupancy to 2,060 sq. ft. (42.96%). The house is 213 years old, is currently 2,554 sq. ft. of conditioned 2 story space on a lot that is 4,795 sq. ft., and is surrounded by much larger residences. We desire to add a Loutrel Briggs inspired "Garden Room" off the back (East) side of the house in order to have a sun filled room to eat casual meals and lounge in a "Garden". Our original gardens were designed by Loutrel Briggs in 1974, one of his last in Charleston. These requirements do not exist with our neighboring houses as they are much larger and modernized more recently. Because of these conditions, the allowable 35% lot coverage would only allow a footprint of 1678 sq. ft. (and the existing footprint of 1,781 sq. ft.), and would inhibit the ability of the house to function appropriately in the 21st Century. The granting of this variance would not be of substantial detriment to the adjacent properties (not visible at all from the residence at 64 Church St.) or to the good of the public, and being not visible from Church Street at all, the character of the district will not be harmed by the granting of the variance.

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

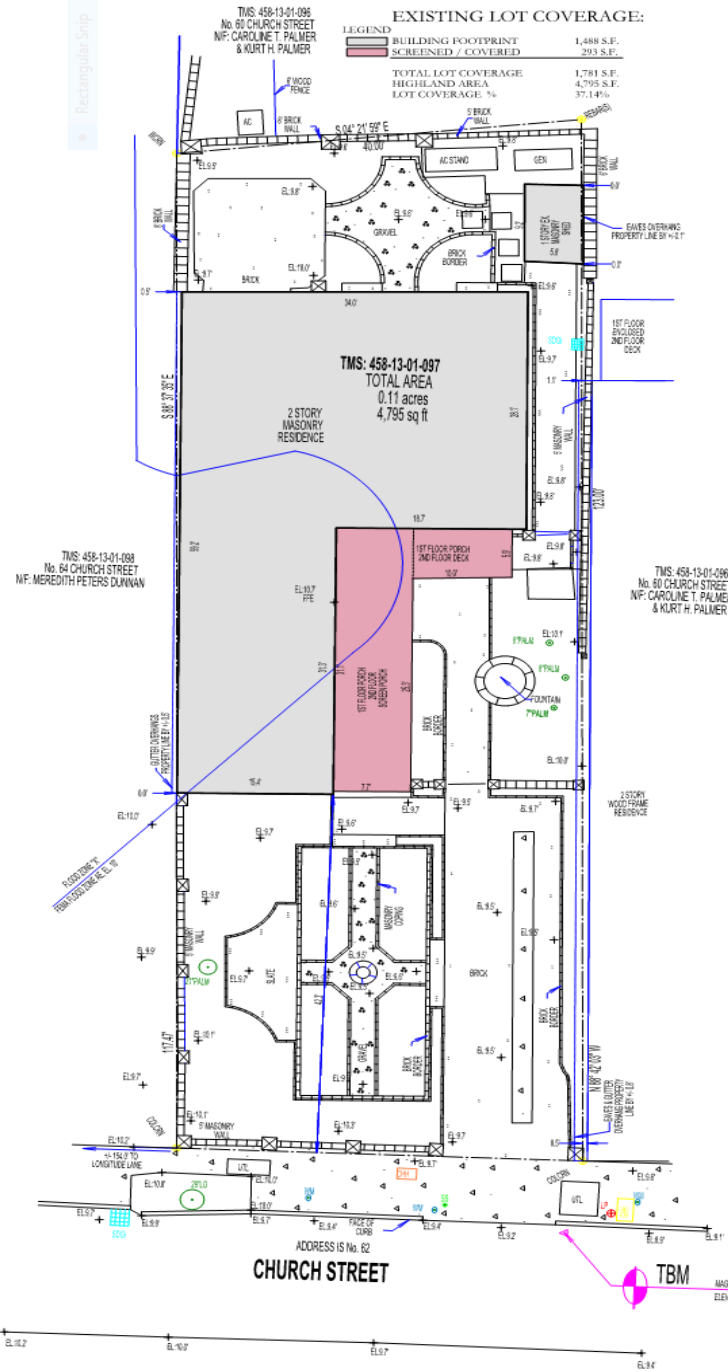
In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

We are requesting a zoning special exception to extend the non-conforming South side setback (Sec. 54-110.f.). The current house sits 5'-1 5/8" from the South property line (a pre-existing encroachment of 3'-10 3/8" into the 9' setback from the South property line), and our proposed room sits 6'-2 3/8" from the South property line (an encroachment of 2'-9 5/8" into the 9' South setback). The existing Tool Shed built in 1973 also encroaches and sits fully within the South setback. One proposed brick wall of the Garden Room extends 39 1/2" to the West of the existing shed, and one proposed brick wall extends 21 1/8" to the East of the existing shed. Both proposed walls are 11'-6" tall. We propose to connect the existing shed to the proposed Garden Room with an 8" connecting brick wall that will sit 2" inside the exterior walls of the existing shed and 2" below its existing roof. We will leave the existing shed in its existing form but intend to expose the old brick on the exterior parged wall and replace an old rotted door with an antique salvaged window [see Architectural Drawings].

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Rectangular Slab



SCALE
1"=10'-0"

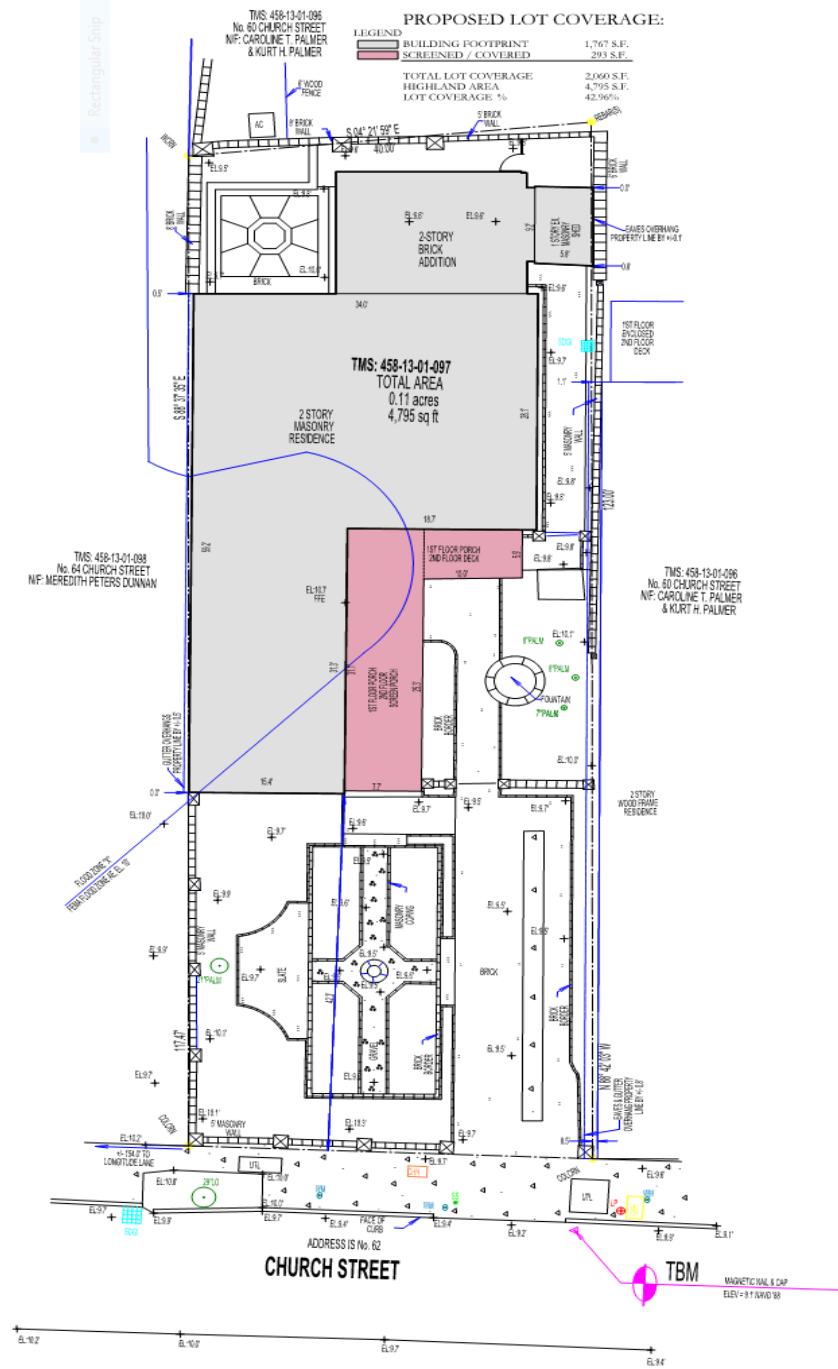
DATE
14 JUN 2021

EC-01
EXISTING
SITE PLAN

I S L A N D
A R C H I T E C T S

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

ADDITION & GARDEN
RENOVATION
CHURCH STREET
62 CHURCH STREET
CHARLESTON, SC 29401



A-O-I

SCALE: 1"=10'-0"

DATE: 14 JUN 2021

ISLAND ARCHITECTS

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

ADDITION & GARDEN TERRACE AT 62 CHURCH STREET

62 CHURCH STREET
 CHARLESTON, SC 29401

TMS: 458-13-01-096
No. 60 CHURCH STREET
N/F: CAROLINE T. PALMER
& KURT H. PALMER

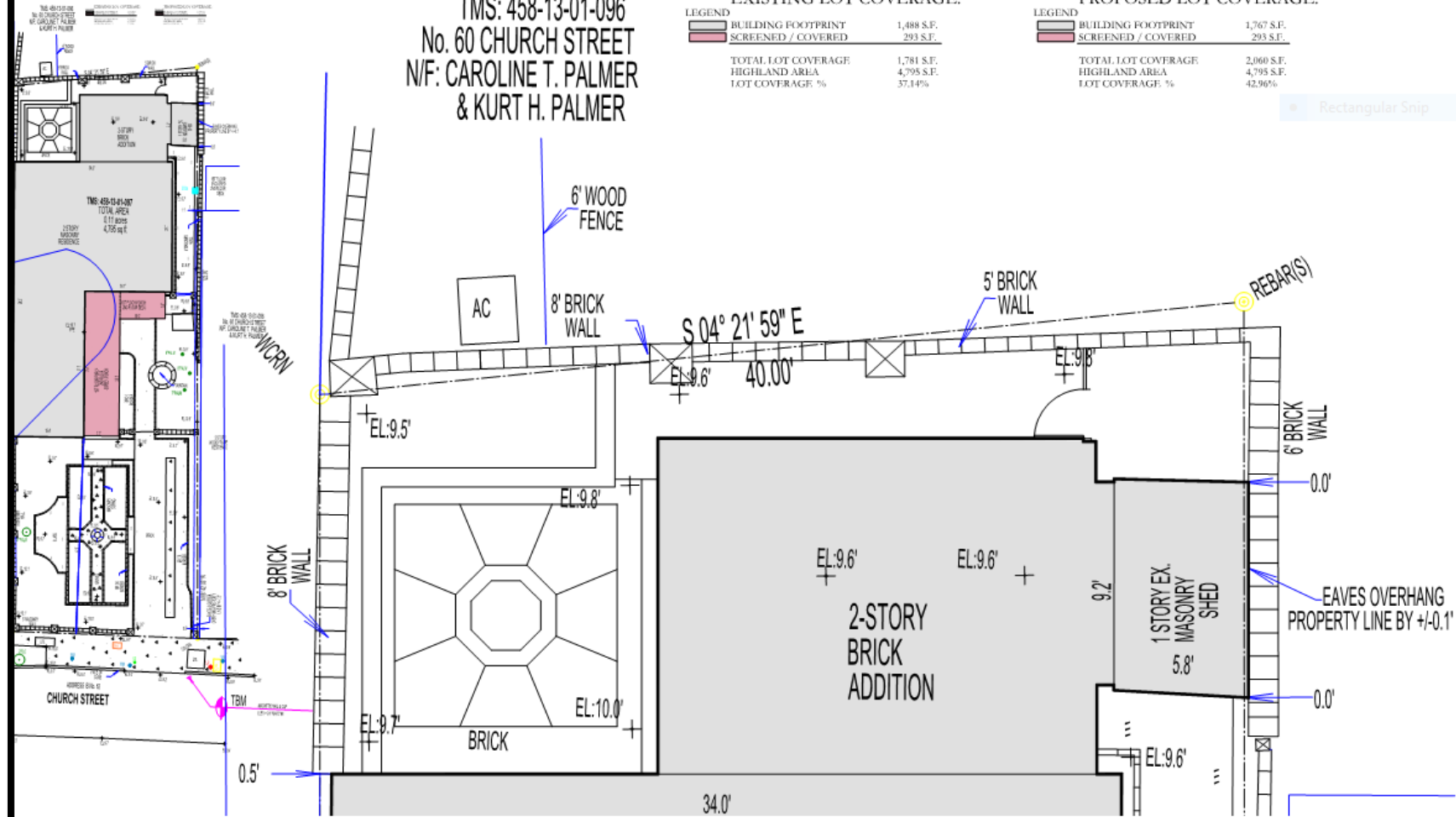
EXISTING LOT COVERAGE:

LEGEND	
BUILDING FOOTPRINT	1,488 S.F.
SCREENED / COVERED	293 S.F.
TOTAL LOT COVERAGE	1,781 S.F.
HIGHLAND AREA	4,795 S.F.
LOT COVERAGE: %	37.14%

PROPOSED LOT COVERAGE:

LEGEND	
BUILDING FOOTPRINT	1,767 S.F.
SCREENED / COVERED	293 S.F.
TOTAL LOT COVERAGE	2,060 S.F.
HIGHLAND AREA	4,795 S.F.
LOT COVERAGE: %	42.96%

Rectangular Snip



N & GARDEN
FACE AT
H STREET

60 CH STREET
TON, SC 29401

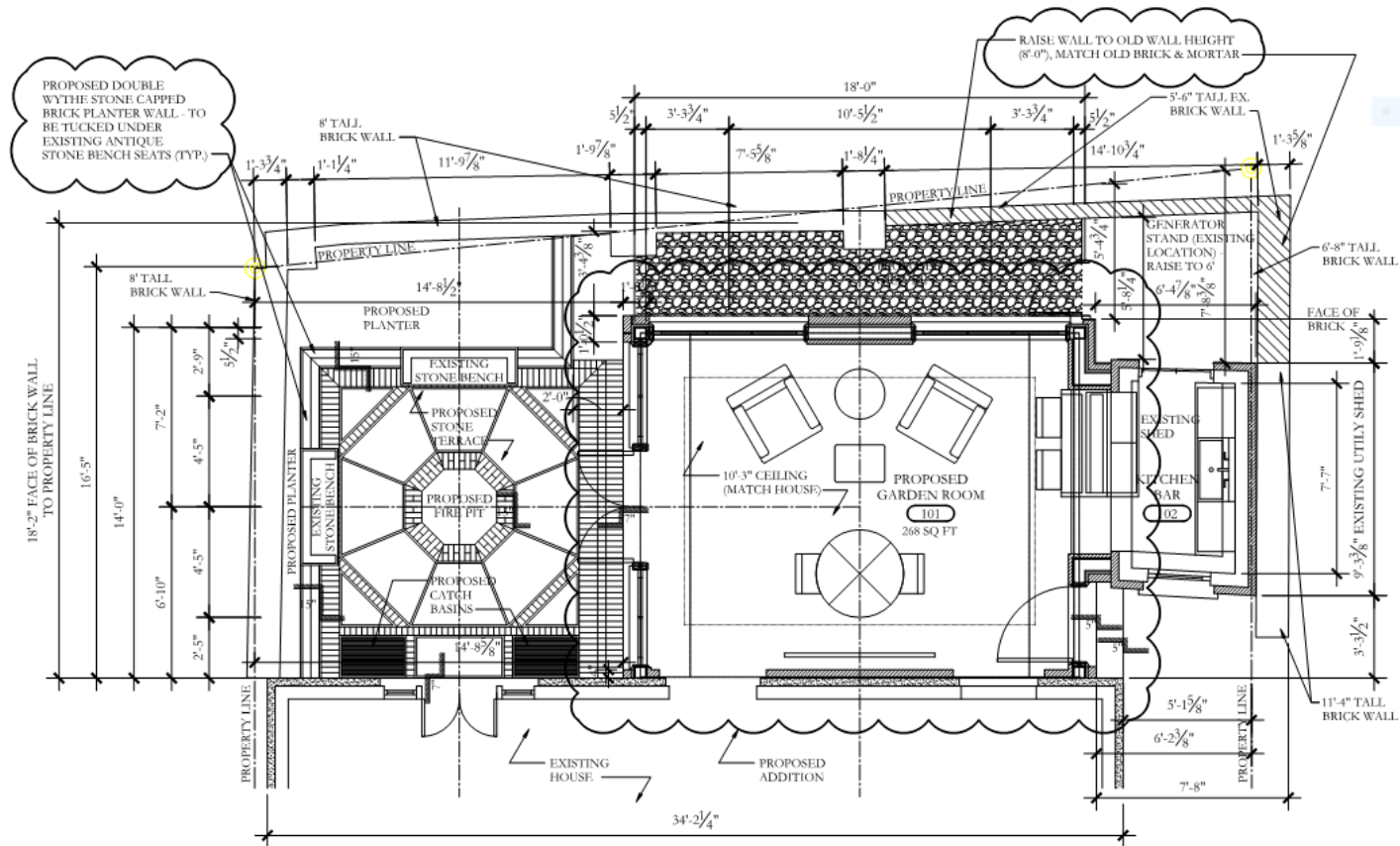
ISLAND
ARCHITECTS

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1"=20'-0"
1/4"=1'-0"

DATE
14 JUN 2021

A-0.2
PROPOSED
SITE PLAN
DETAIL



Rectangular Snip

ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

ISLAND
ARCHITECTS

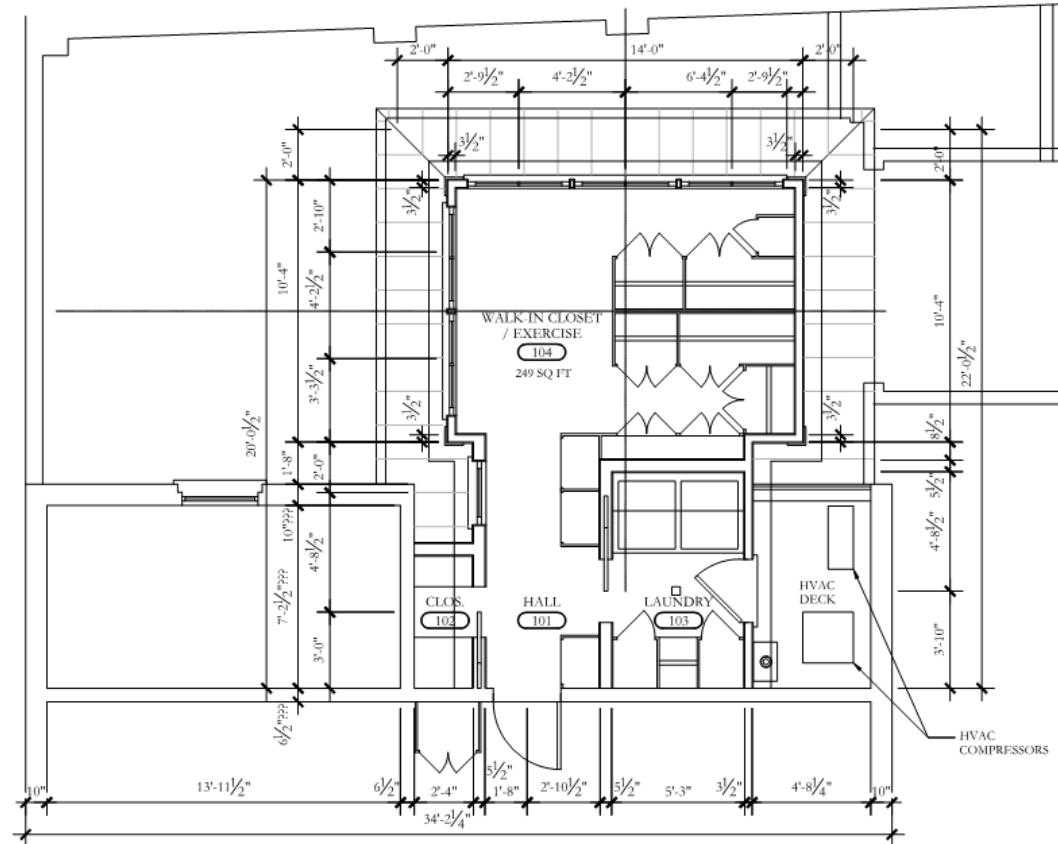
62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4" = 1'-0"

DATE
14 JUNE 2021

A-1

TERRACE &
GARDEN PLAN



Rectangular Snip

ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

ISLAND
ARCHITECTS

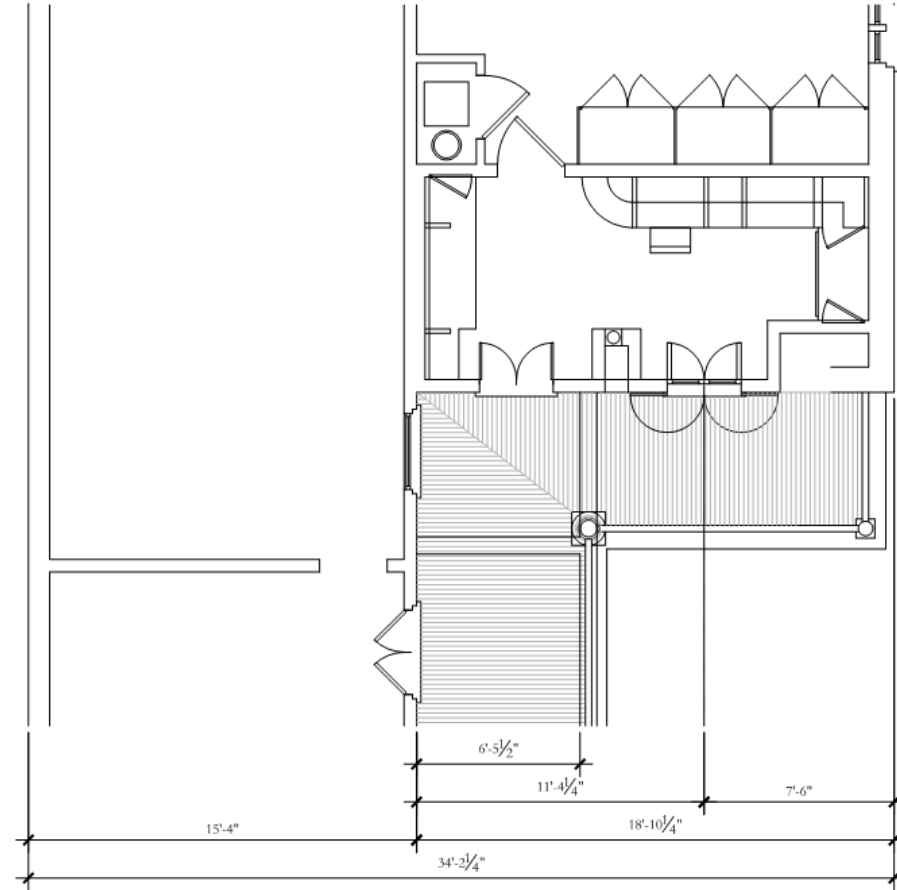
62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUN 2021

A-2

UPPER FLOOR
PLAN



ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

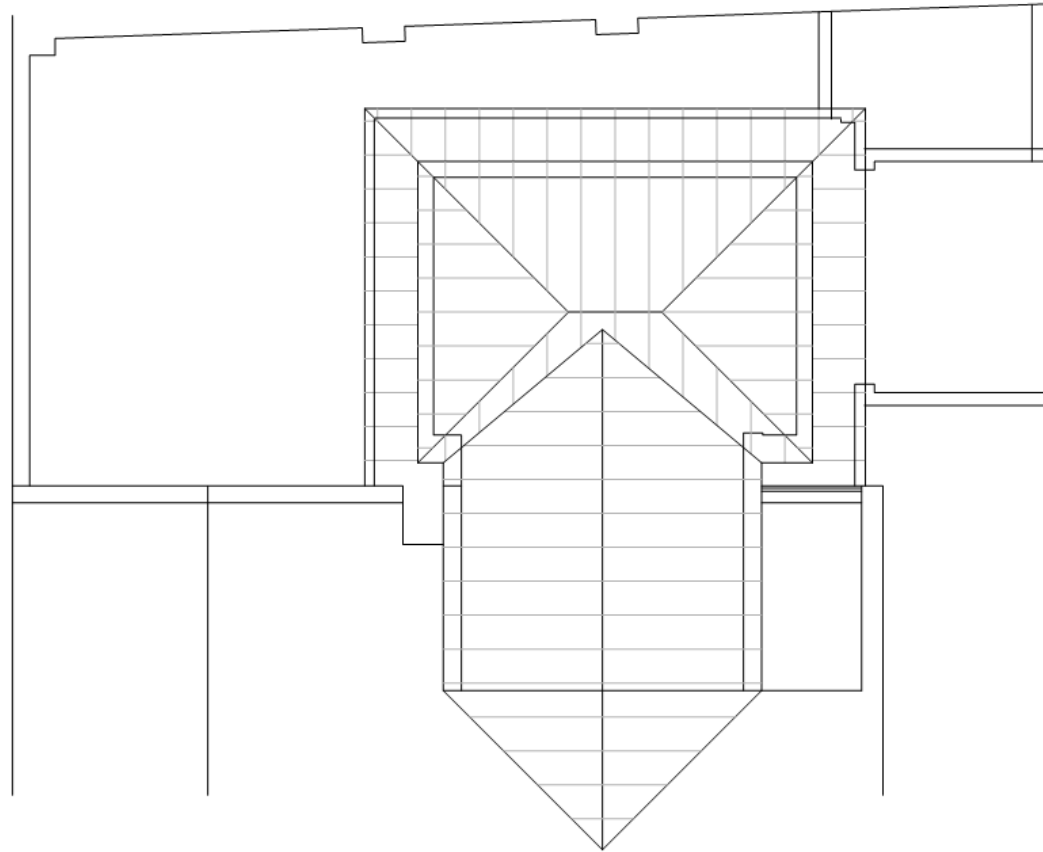
I S L A N D
A R C H I T E C T S

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUNE 2021

A-4
UPPER FLOOR
OFFICE &
PORCH PLAN



• Rectangular Snip

ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

I S L A N D
A R C H I T E C T S

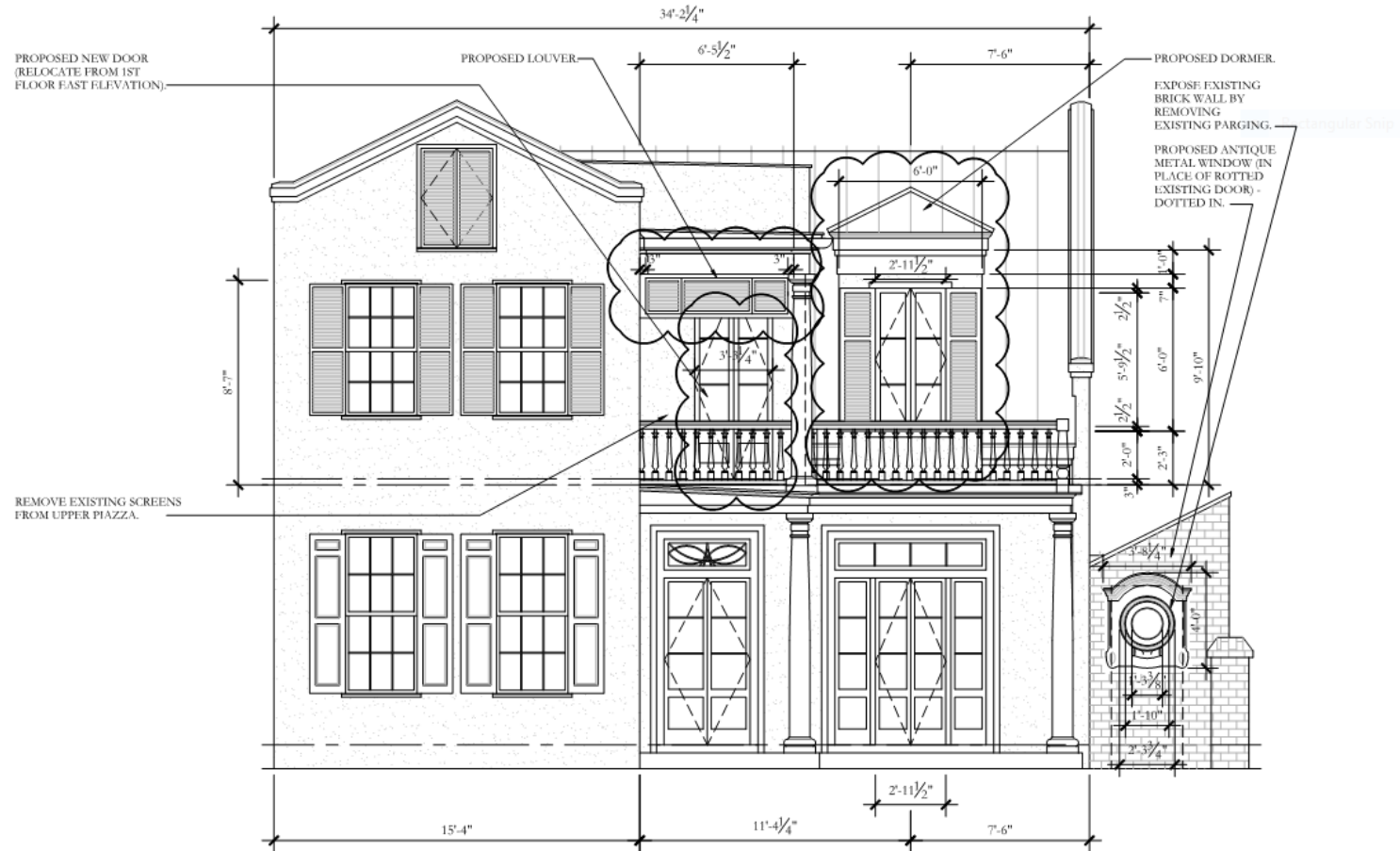
62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUN 2021

A-3

ROOF
PLAN



ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

I S L A N D
A R C H I T E C T S

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4" = 1'-0"

DATE
14 JUNE 2021

A-6
SOUTH
EXTERIOR
ELEVATION



Rectangular Snip

ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

I S L A N D
ARCHITECTS

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUNE 2021

A-7
SOUTH
EXTERIOR
ELEVATION



• Rectangular Snip

ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

I S L A N D
ARCHITECTS

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUN 2021

A-8
EAST
EXTERIOR
ELEVATION

Rectangular Snip



ADDITION & GARDEN
TERRACE AT
CHURCH STREET

62 CHURCH STREET
CHARLESTON, SC 29401

I S L A N D
A R C H I T E C T S

62 CHURCH ST | CHARLESTON SC 29401 | ISLANDARCHITECTS.COM

SCALE
1/4"=1'-0"

DATE
14 JUNE 2021

A-9
NORTH
EXTERIOR
ELEVATION

62 CHURCH STREET



Looking East down side alley to Tool Shed



Tool Shed (door rotted)



Looking North at rear yard



Looking East at rear wall



Looking SE at Tool Shed and HVAC platform



Looking South at Tool Shed



Looking West at rear of Existing House



HVAC Platform (existing)



Generator Platform behind Tool Shed (existing)

City of Charleston
Board of Zoning Appeals

June 16, 2021

Re: 62 Church St Zoning Variance & BAR Application

To Whom it may Concern,

We are the property owners of 64 Church St directly to the North of the Wallace's home located at 62 Church St. Erika and Skip have shown us their Architectural Plans for their proposed Garden Room addition, and we are in favor of granting them a variance for the density to be 42% which we realize exceeds the allowable 35% density for the property. We are also in favor of granting them the variance for the South wall of the Garden room addition which will extend into the required 9' setback by 2' 9 5/8", which is set back 12.75" from the existing encroaching wall of the current house and is therefore not visible from Church St. As far as the design of the addition goes, we approve the drawings that we were shown dated June 14, 2021 consisting of 15 sheets, including the removal of the screened porch from the Upper Piazza, the addition of the louvered panel on the West side of the Upper Piazza, the addition of the dormer on the West façade, as well as the addition on the East side of the house of a (2) story Garden Room, the attaching to the existing Tool Shed and the elevating of the existing generator platform to the East of the existing shed. We also are in favor of them extending the historic brick wall in the rear of their property to the South property line, replacing the newer and lower brick wall there currently.

Yours truly,

A handwritten signature in blue ink that reads "Meredith Dunnan".

John and Meredith Dunnan
64 Church St.
Charleston, SC 29401

Agenda Item #B-2

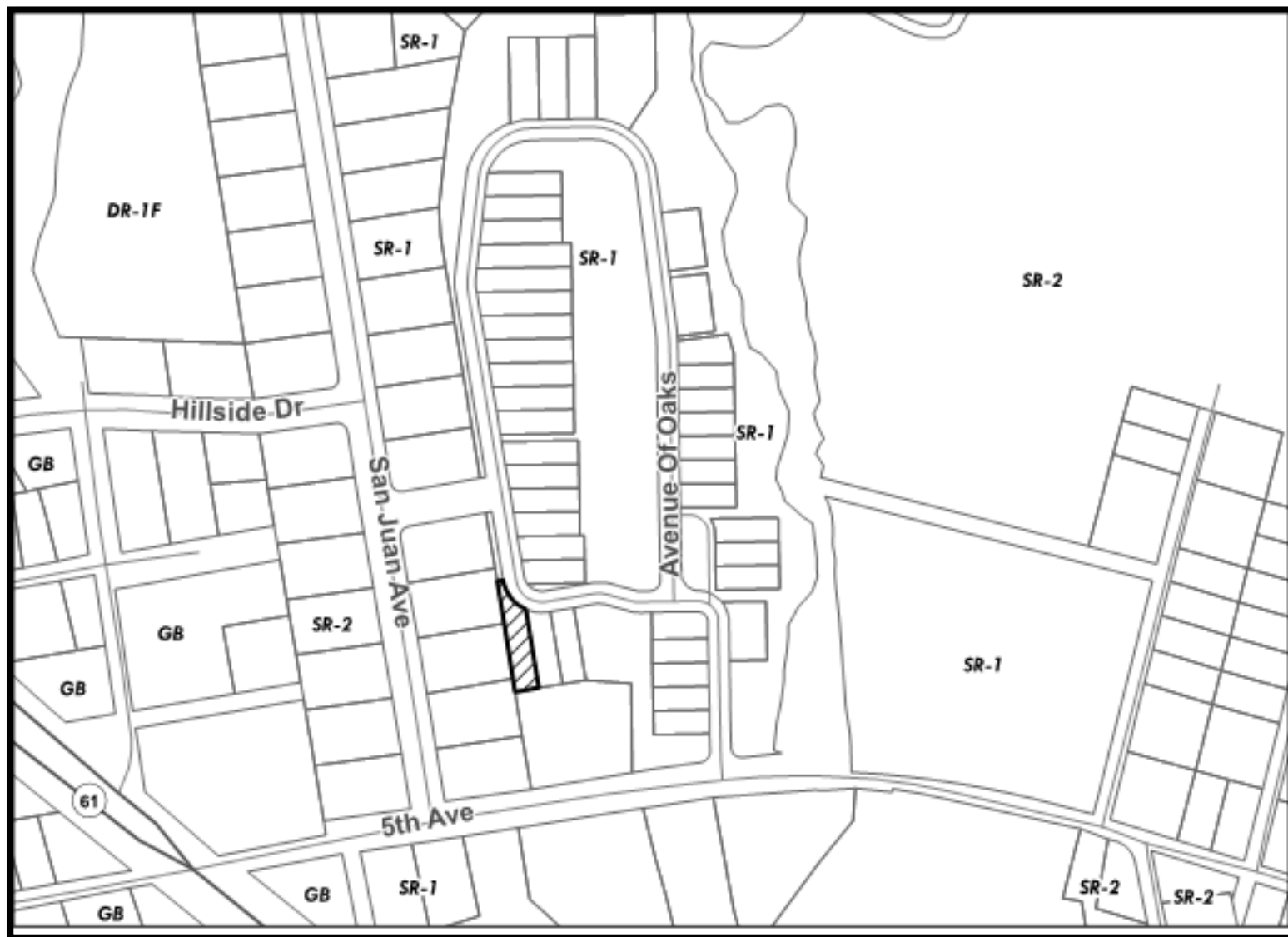
1029 AVENUE OF OAKS (LOT 40)

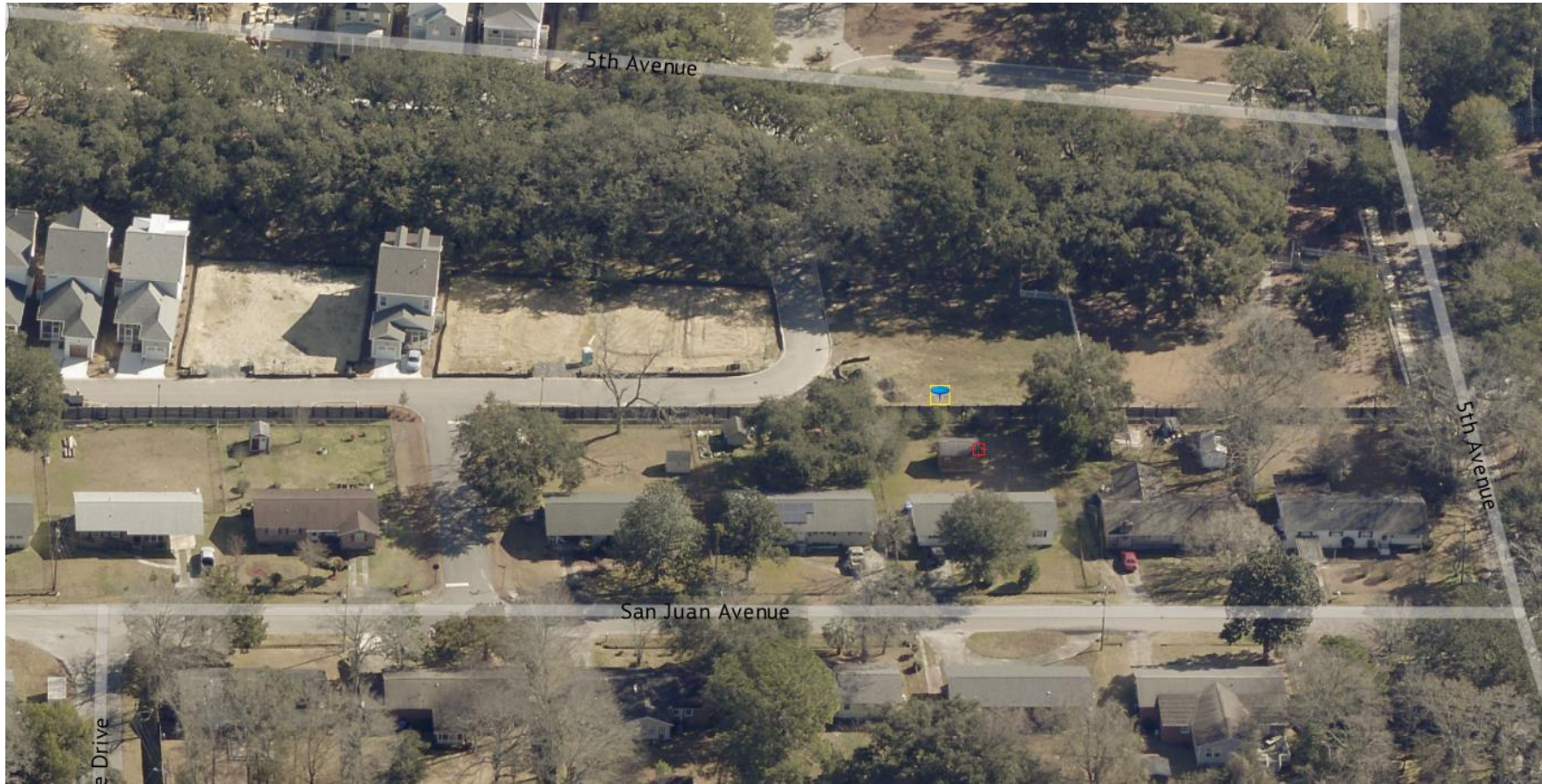
(MARYVILLE/ASHLEYVILLE)

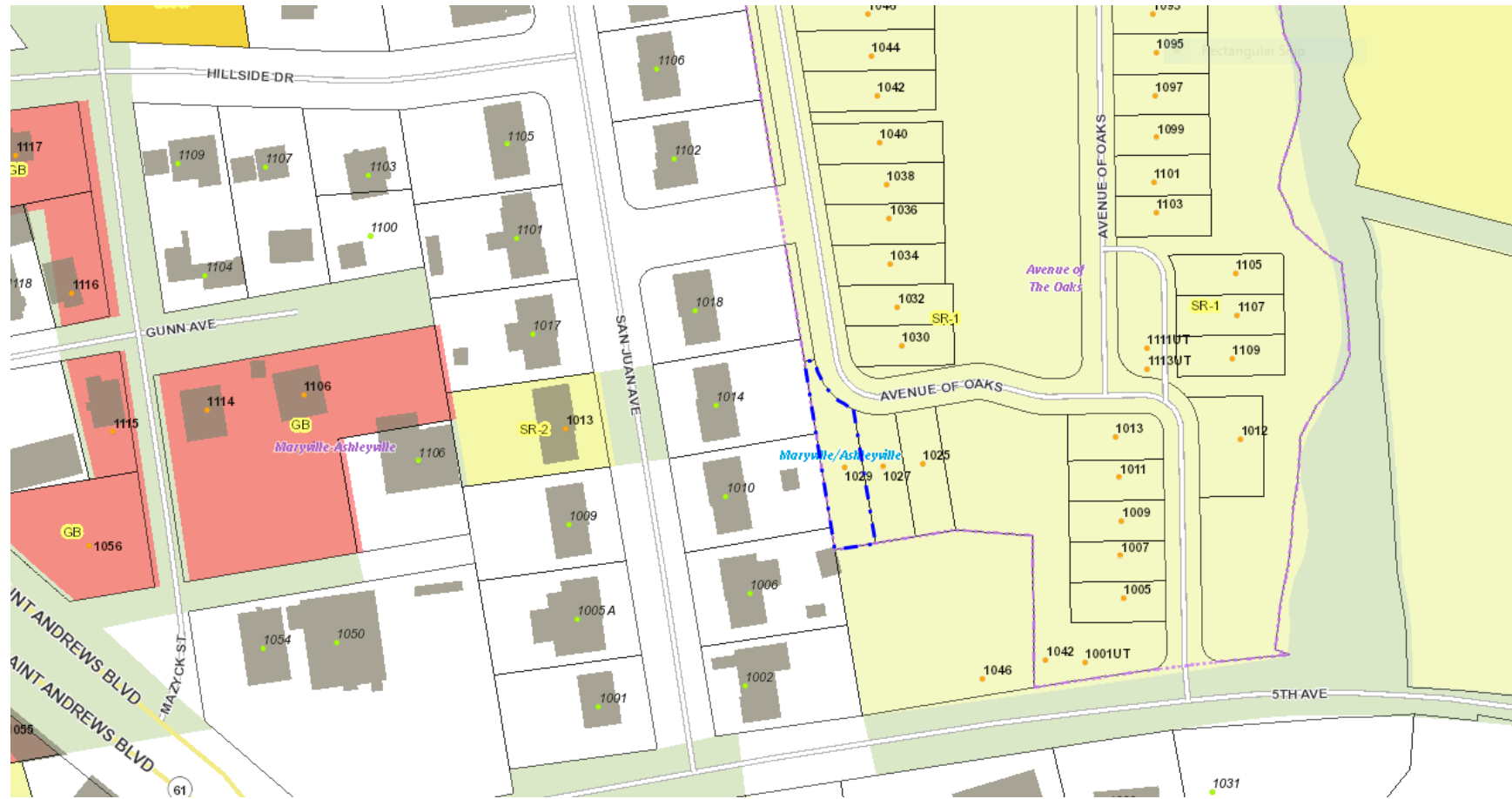
TMS # 418-06-00-158

Request variance from sec. 54-301 to allow construction of a 3-story single-family residence that exceeds 35-ft. in height (Limit is 2 ½ stories, 35-ft.)

Zoned SR-1









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: August 3, 2021
Property Address 1029 Avenue of Dates TMS # 418-06-00-153
Property Owner Crescent Homes SC, LLC Daytime Phone 803-609-6929
Applicant Kelly McGuinn Daytime Phone _____
Applicant's Mailing Address 572 Savannah Highway, Charleston, SC 29407
E-mail Address Kelly.mcginn@CrescentHomes.net
Relationship of applicant to owner (same, representative, prospective buyer, other) Representation
Zoning of property R-1 cluster VP of operations

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 6-30-21

For office use only

Date application received _____ Fee \$ _____ Time application received _____
Staffperson _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See Attached

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

AVENUE OF OAKS VARIANCE REQUEST

Pursuant to S.C. Code Ann. § 6-29-800 and Zoning Code § 54-924, Applicant Crescent Homes SC, LLC submits this information in response to the applicable criteria in support of a variance for nine lots (Lots 1-7, 18, and 42) within the Avenue of Oaks subdivision.

1. There are extraordinary and exceptional conditions pertaining to the particular properties.

Extraordinary and exception conditions pertain to these particular properties because they have been impacted by the new FEMA flood maps, which became effective in January 2021 pursuant to Ordinance No. 2020-44. Under the City planning department's interpretation of the zoning code, a drive-under garage area of a home is not considered a "story" for purposes of determining compliance with a zoning district's height restrictions if the home is located in a certain flood zone.

At the time Avenue of Oaks was being designed, all of the developable property was located in either Flood Zones AE-13 or AE-14. As a result, Crescent Homes designed the subdivision based on the City's interpretation that all homes could be designed with drive-under garages that would not be considered a "story" for purposes of the SR-1 zoning district's 2 ½ story height restriction. Relying on this interpretation, Crescent Homes designed 22 of the lots in Avenue of Oaks to have drive-under garages with two stories of living space above.

The City approved the final plat for Avenue of Oaks in March 2020, and Crescent Homes began developing the lots in accordance with its design. To date, Crescent Homes received building permits for 13 out of the 22 planned homes that utilize a drive-under garage. However, FEMA issued new flood maps for Charleston County in 2020, which became effective in January 2021. As a result of the flood map changes, the nine remaining the lots planned for drive-under garages have been rezoned from Flood Zone AE-13 to Flood Zone X.

Under the City's interpretation of the zoning ordinances, a drive-under garage area on a lot in Flood Zone X is considered a story. Therefore, the homes designed for these remaining nine lots with two stories of living space above a drive-under garage are considered three-story homes and, consequently, not in compliance with the applicable height restrictions for SR-1, according to the City's interpretation.

Based on these facts, the changes to the flooding zones during the development process after the final plat has been approved constitutes an extraordinary and exceptional condition.

2. The conditions do not generally apply to other property in the vicinity.

Crescent Homes is unaware of any other properties in the vicinity that were under development and impacted by the flood map changes. Therefore, these conditions do not generally apply to other property in the vicinity.

3. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

The application of the City's interpretation of "story" and SR-1 height restrictions will unreasonably restrict the utilization of the property by prohibiting two-story homes with drive-under garages and by nullifying Crescent Home's existing designs for the subdivision. Although Crescent Homes can utilize the nine lots in question with other designs, it is "not required to show that without the variance there exists no feasible conforming use for the property in question" to show an unreasonable restriction. *Restaurant Row Assocs. v. Horry Cty.*, 335 S.C. 209, 217, 516 S.E.2d 442, 446 (1999).

In this case, the inability to use the design of two stories over a drive-under garage is unreasonable because the lots in question remain in a flood zone and are subject to the risk of flooding. The City's interpretation is forcing a choice between a one-story living space with a drive-under garage to protect from flooding or two-stories of living space without additional flood protection from being elevated over a drive-under garage. Because the designs in question provide for reasonably sized homes, especially considering the narrow lot dimensions utilized under the cluster development zoning ordinance for this neighborhood, this is an unreasonable choice being imposed by the City's interpretation of the ordinance.

The unreasonableness of this choice is compounded by the fact that the designs in questions were permissible just a few months ago before the new flood maps became effective. The subdivision was designed based on the old flood maps and in reliance on the reasonable belief that drive-under garages could be utilized without them being considered a story. It would now be unreasonable to restrict the use of the drive-under designs when other homes have already been permitted with the same design feature.

4. **The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

The authorization of the variance will not be of substantial detriment to adjacent property as those properties have homes that utilize the same drive-under garage feature. Thus, the design of the new homes will be harmonious with those properties and consistent with the original plan for the subdivision.

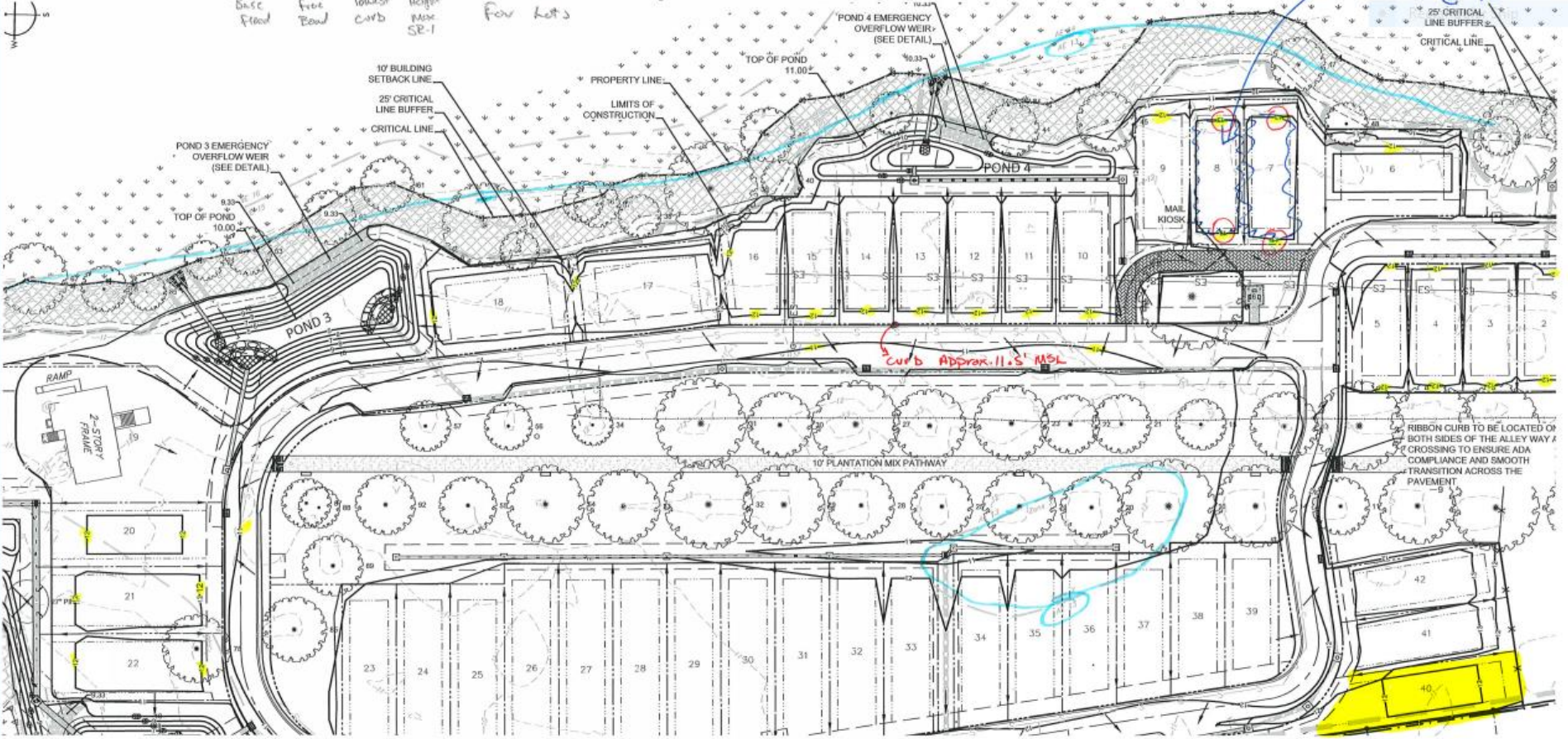
The variance will also not be of any detriment to the public good. If anything, the public good will be enhanced because the drive-under design will provide additional protection from possible flooding, thereby reducing the potential social and indirect impacts that flooding often creates.

Last, the variance will not harm the character of the zoning district as the homes will comply with all other zoning requirements for the SR-1 zoning district, and the variance will not permit prohibited uses. Significantly, even if the drive-under garages are permitted with a variance, the homes will still be subject to the maximum height restrictions imposed by the zoning code.

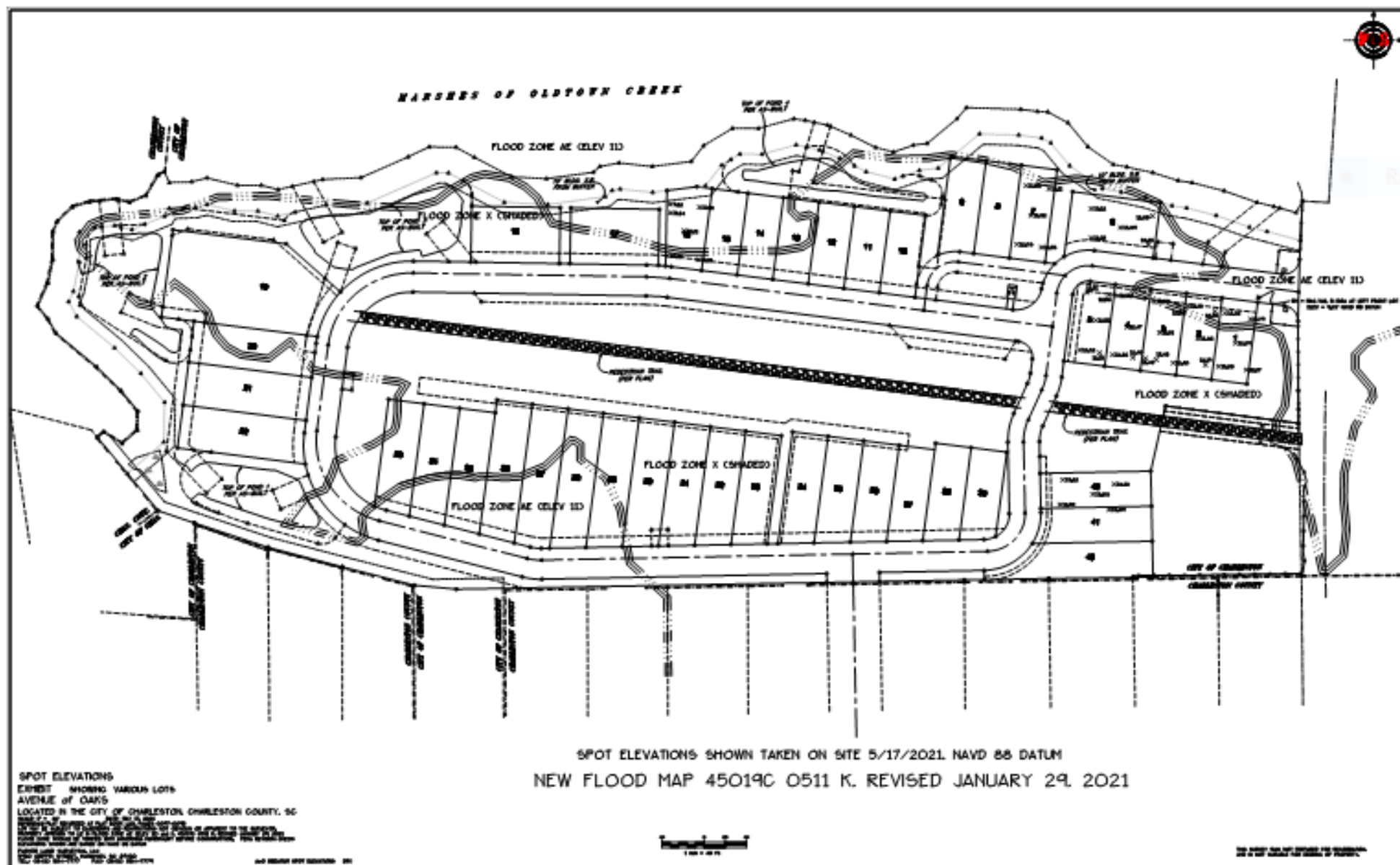


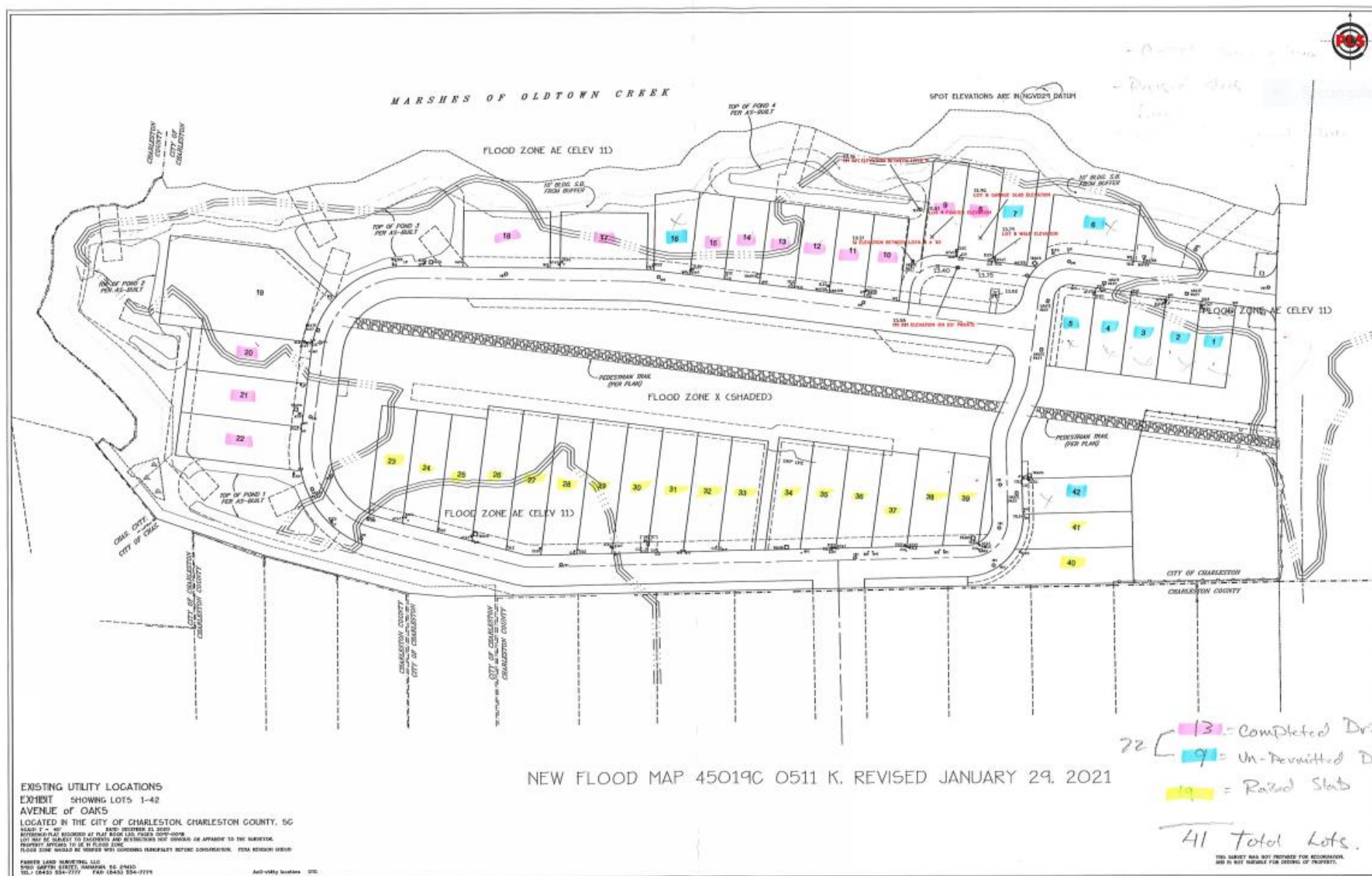
$13 + 1 - 11.5 + 35 = 37.5'$
Base Flood Free Board Lowest Curb Height Base SR-1 Max. Allowable Height For Lots

Re-grade Lots to Put Pond Elev. @ 12'



RIBBON CURB TO BE LOCATED ON BOTH SIDES OF THE ALLEY WAY CROSSING TO ENSURE ADA COMPLIANCE AND SMOOTH TRANSITION ACROSS THE PAVEMENT





AVO 40

REVISION LOG	
DATE	DESCRIPTION
10/10/2018	<p>1.0 Initial design of the system to be developed. The system will be a web-based application that will allow users to manage their account information. The system will be developed using the following technologies:</p> <ul style="list-style-type: none"> Frontend: HTML, CSS, JavaScript Backend: PHP, MySQL Database: MySQL <p>The system will be developed using the following architecture:</p> <ul style="list-style-type: none"> Frontend: A single-page application (SPA) that will be developed using React.js. Backend: A RESTful API that will be developed using PHP and Laravel. Database: A MySQL database that will be used to store user information and account data. <p>The system will be developed using the following design patterns:</p> <ul style="list-style-type: none"> Model-View-Controller (MVC): This pattern will be used to separate the presentation layer (the view) from the business logic (the controller) and the data layer (the model). Service-Oriented Architecture (SOA): This pattern will be used to create a set of services that can be used by other applications. <p>The system will be developed using the following development process:</p> <ul style="list-style-type: none"> Requirements gathering: This phase will involve gathering requirements from the user and defining the scope of the project. Design: This phase will involve creating a detailed design of the system, including the database schema and the user interface. Development: This phase will involve writing the code for the system. Testing: This phase will involve testing the system to ensure that it meets the requirements and is free of bugs. Deployment: This phase will involve deploying the system to a production environment.
10/10/2018	<p>1.1 Initial design of the system to be developed. The system will be a web-based application that will allow users to manage their account information. The system will be developed using the following technologies:</p> <ul style="list-style-type: none"> Frontend: HTML, CSS, JavaScript Backend: PHP, MySQL Database: MySQL <p>The system will be developed using the following architecture:</p> <ul style="list-style-type: none"> Frontend: A single-page application (SPA) that will be developed using React.js. Backend: A RESTful API that will be developed using PHP and Laravel. Database: A MySQL database that will be used to store user information and account data. <p>The system will be developed using the following design patterns:</p> <ul style="list-style-type: none"> Model-View-Controller (MVC): This pattern will be used to separate the presentation layer (the view) from the business logic (the controller) and the data layer (the model). Service-Oriented Architecture (SOA): This pattern will be used to create a set of services that can be used by other applications. <p>The system will be developed using the following development process:</p> <ul style="list-style-type: none"> Requirements gathering: This phase will involve gathering requirements from the user and defining the scope of the project. Design: This phase will involve creating a detailed design of the system, including the database schema and the user interface. Development: This phase will involve writing the code for the system. Testing: This phase will involve testing the system to ensure that it meets the requirements and is free of bugs. Deployment: This phase will involve deploying the system to a production environment.
10/10/2018	<p>1.2 Initial design of the system to be developed. The system will be a web-based application that will allow users to manage their account information. The system will be developed using the following technologies:</p> <ul style="list-style-type: none"> Frontend: HTML, CSS, JavaScript Backend: PHP, MySQL Database: MySQL <p>The system will be developed using the following architecture:</p> <ul style="list-style-type: none"> Frontend: A single-page application (SPA) that will be developed using React.js. Backend: A RESTful API that will be developed using PHP and Laravel. Database: A MySQL database that will be used to store user information and account data. <p>The system will be developed using the following design patterns:</p> <ul style="list-style-type: none"> Model-View-Controller (MVC): This pattern will be used to separate the presentation layer (the view) from the business logic (the controller) and the data layer (the model). Service-Oriented Architecture (SOA): This pattern will be used to create a set of services that can be used by other applications. <p>The system will be developed using the following development process:</p> <ul style="list-style-type: none"> Requirements gathering: This phase will involve gathering requirements from the user and defining the scope of the project. Design: This phase will involve creating a detailed design of the system, including the database schema and the user interface. Development: This phase will involve writing the code for the system. Testing: This phase will involve testing the system to ensure that it meets the requirements and is free of bugs. Deployment: This phase will involve deploying the system to a production environment.

[illegible]

		Self-reported number of days/week of alcohol consumption
--	--	--

1029 AVE OF OAKS

reserved. The
hospital, bombing,
wrecks, any person
illegally prohibited
Crecent Homes.

PLAN NAME:
REVISIONS:
DRAWN BY: DA
DATE: 02/05/21
JOB NO.:
TITLE: COVER SHEET
SHEET: COVER

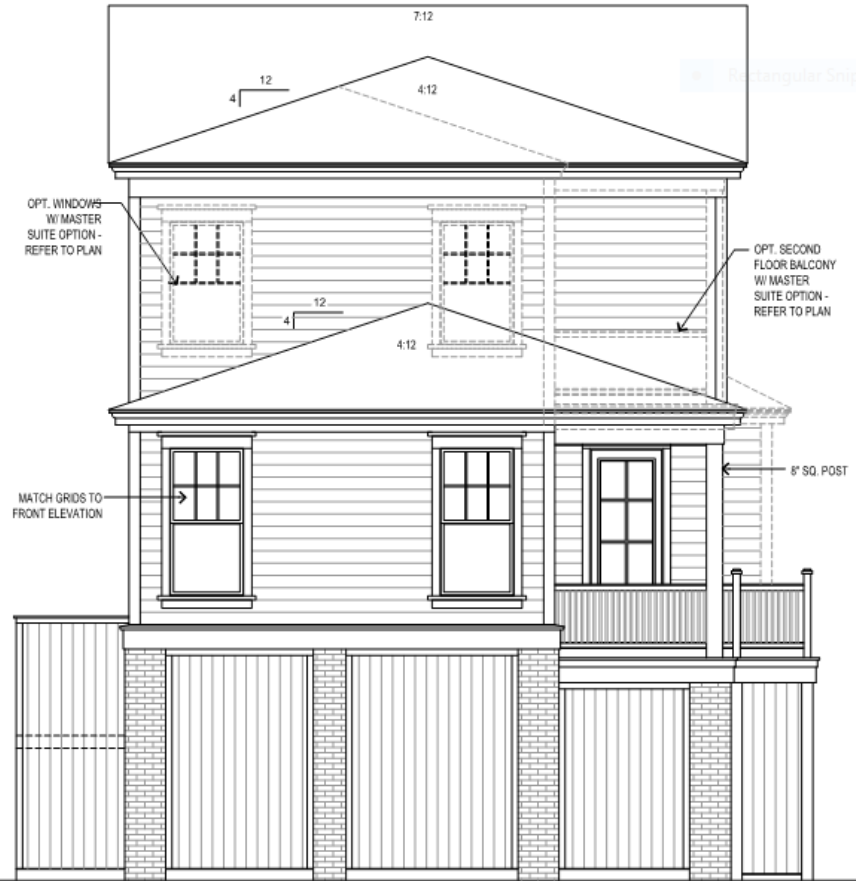
1 - RAILING DTL. ELEV 'A'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



FRONT ELEVATION 'A'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



REAR ELEVATION 'A'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



572 Savannah
Charleston, So

MONROE DU
AVENUE OF OAKS

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PLAN NAME:

REVISIONS:

DRAWN BY: DA

DATE: 02/05/21

JOB NO.:

TITLE:
FRONT AND REAR
ELEVATIONS

SHEET:

A1-A

Agenda Item #B-3

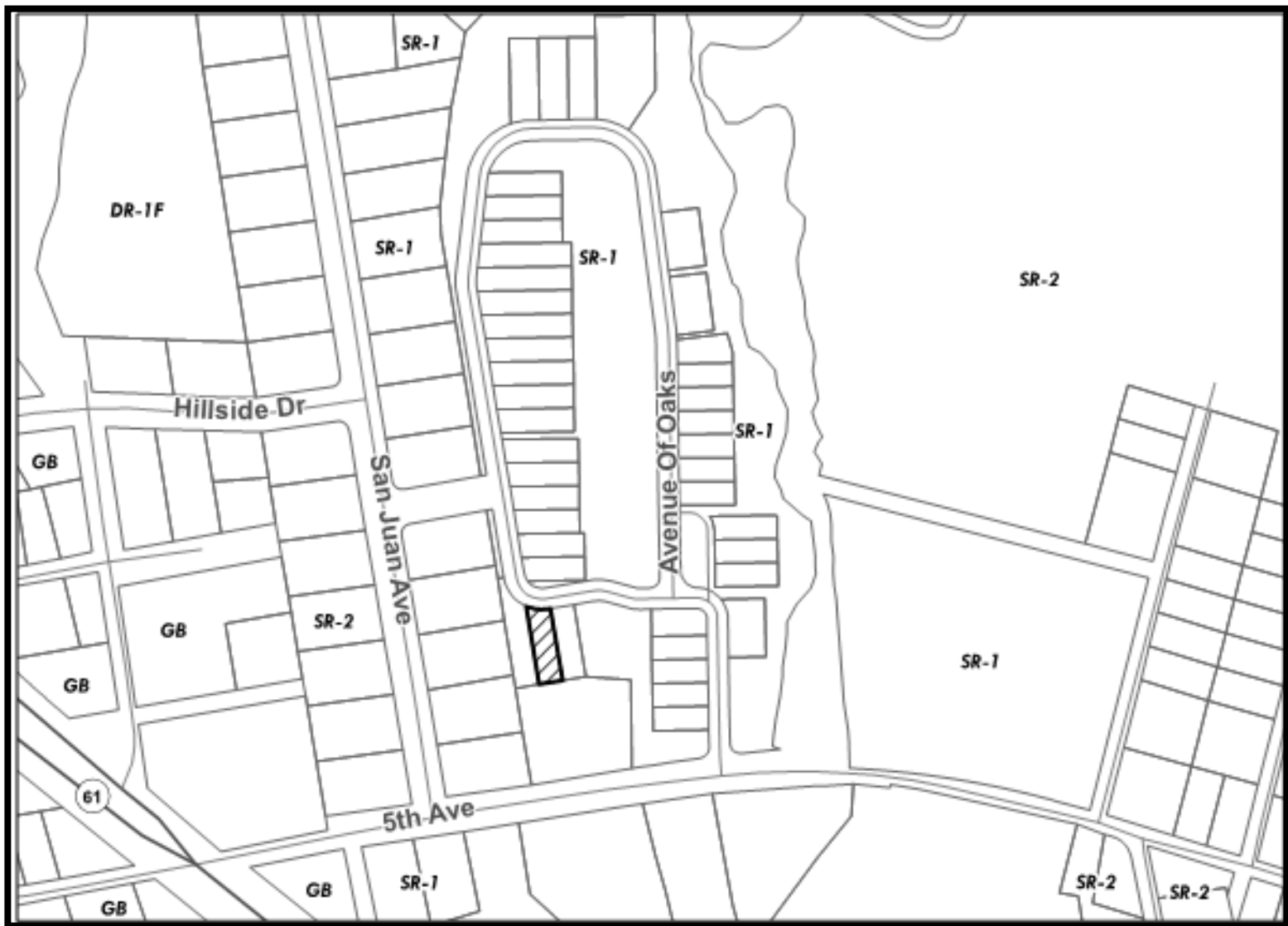
1027 AVENUE OF OAKS (LOT 41)

(MARYVILLE/ASHLEYVILLE)

TMS # 418-06-00-159

Request variance from Sec. 54-301 to allow construction of a 3-story single-family residence that exceeds 35-ft. in height (Limit is 2 ½ stories, 35-ft.).

Zoned SR-1









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: August 3, 2021 418-06-00-159
Property Address 1027 Avenue of Oaks TMS #
Property Owner Crescent Homes SC, LLC Daytime Phone 803-609-6929
Applicant Kelly McGuinn Daytime Phone
Applicant's Mailing Address 572 Savannah Highway, Charleston, SC 29407
E-mail Address Kelly.mcginn@CrescentHomes.net
Relationship of applicant to owner (same, representative, prospective buyer, other) Representation
Zoning of property R-1 cluster VP of operations

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 6-30-21

For office use only

Date application received Time application received
Staffperson Fee \$ Receipt #

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See Attached

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

AVENUE OF OAKS VARIANCE REQUEST

Pursuant to S.C. Code Ann. § 6-29-800 and Zoning Code § 54-924, Applicant Crescent Homes SC, LLC submits this information in response to the applicable criteria in support of a variance for nine lots (Lots 1-7, 18, and 42) within the Avenue of Oaks subdivision.

1. There are extraordinary and exceptional conditions pertaining to the particular properties.

Extraordinary and exception conditions pertain to these particular properties because they have been impacted by the new FEMA flood maps, which became effective in January 2021 pursuant to Ordinance No. 2020-44. Under the City planning department's interpretation of the zoning code, a drive-under garage area of a home is not considered a "story" for purposes of determining compliance with a zoning district's height restrictions if the home is located in a certain flood zone.

At the time Avenue of Oaks was being designed, all of the developable property was located in either Flood Zones AE-13 or AE-14. As a result, Crescent Homes designed the subdivision based on the City's interpretation that all homes could be designed with drive-under garages that would not be considered a "story" for purposes of the SR-1 zoning district's 2 ½ story height restriction. Relying on this interpretation, Crescent Homes designed 22 of the lots in Avenue of Oaks to have drive-under garages with two stories of living space above.

The City approved the final plat for Avenue of Oaks in March 2020, and Crescent Homes began developing the lots in accordance with its design. To date, Crescent Homes received building permits for 13 out of the 22 planned homes that utilize a drive-under garage. However, FEMA issued new flood maps for Charleston County in 2020, which became effective in January 2021. As a result of the flood map changes, the nine remaining the lots planned for drive-under garages have been rezoned from Flood Zone AE-13 to Flood Zone X.

Under the City's interpretation of the zoning ordinances, a drive-under garage area on a lot in Flood Zone X is considered a story. Therefore, the homes designed for these remaining nine lots with two stories of living space above a drive-under garage are considered three-story homes and, consequently, not in compliance with the applicable height restrictions for SR-1, according to the City's interpretation.

Based on these facts, the changes to the flooding zones during the development process after the final plat has been approved constitutes an extraordinary and exceptional condition.

2. The conditions do not generally apply to other property in the vicinity.

Crescent Homes is unaware of any other properties in the vicinity that were under development and impacted by the flood map changes. Therefore, these conditions do not generally apply to other property in the vicinity.

3. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

The application of the City's interpretation of "story" and SR-1 height restrictions will unreasonably restrict the utilization of the property by prohibiting two-story homes with drive-under garages and by nullifying Crescent Home's existing designs for the subdivision. Although Crescent Homes can utilize the nine lots in question with other designs, it is "not required to show that without the variance there exists no feasible conforming use for the property in question" to show an unreasonable restriction. *Restaurant Row Assocs. v. Horry Cty.*, 335 S.C. 209, 217, 516 S.E.2d 442, 446 (1999).

In this case, the inability to use the design of two stories over a drive-under garage is unreasonable because the lots in question remain in a flood zone and are subject to the risk of flooding. The City's interpretation is forcing a choice between a one-story living space with a drive-under garage to protect from flooding or two-stories of living space without additional flood protection from being elevated over a drive-under garage. Because the designs in question provide for reasonably sized homes, especially considering the narrow lot dimensions utilized under the cluster development zoning ordinance for this neighborhood, this is an unreasonable choice being imposed by the City's interpretation of the ordinance.

The unreasonableness of this choice is compounded by the fact that the designs in questions were permissible just a few months ago before the new flood maps became effective. The subdivision was designed based on the old flood maps and in reliance on the reasonable belief that drive-under garages could be utilized without them being considered a story. It would now be unreasonable to restrict the use of the drive-under designs when other homes have already been permitted with the same design feature.

4. **The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

The authorization of the variance will not be of substantial detriment to adjacent property as those properties have homes that utilize the same drive-under garage feature. Thus, the design of the new homes will be harmonious with those properties and consistent with the original plan for the subdivision.

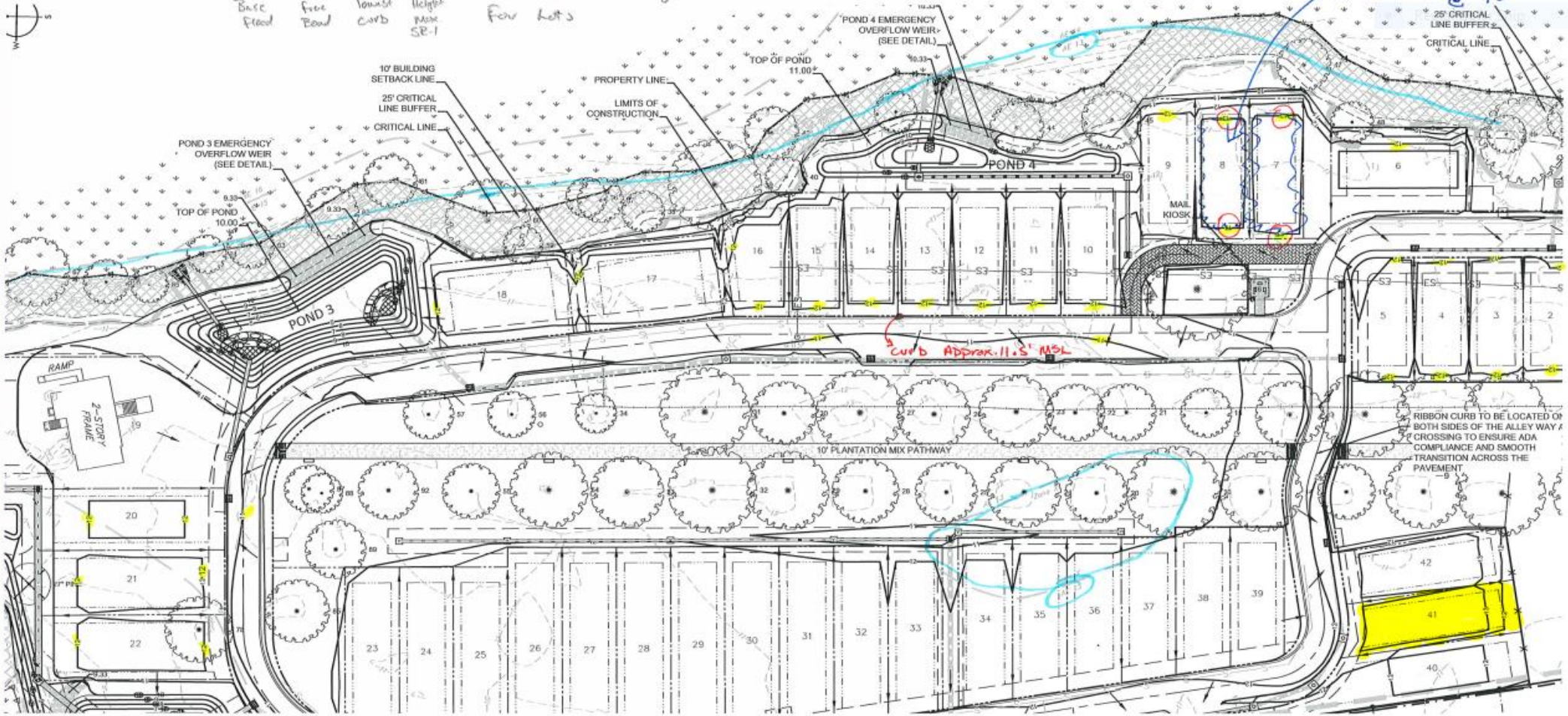
The variance will also not be of any detriment to the public good. If anything, the public good will be enhanced because the drive-under design will provide additional protection from possible flooding, thereby reducing the potential social and indirect impacts that flooding often creates.

Last, the variance will not harm the character of the zoning district as the homes will comply with all other zoning requirements for the SR-1 zoning district, and the variance will not permit prohibited uses. Significantly, even if the drive-under garages are permitted with a variance, the homes will still be subject to the maximum height restrictions imposed by the zoning code.

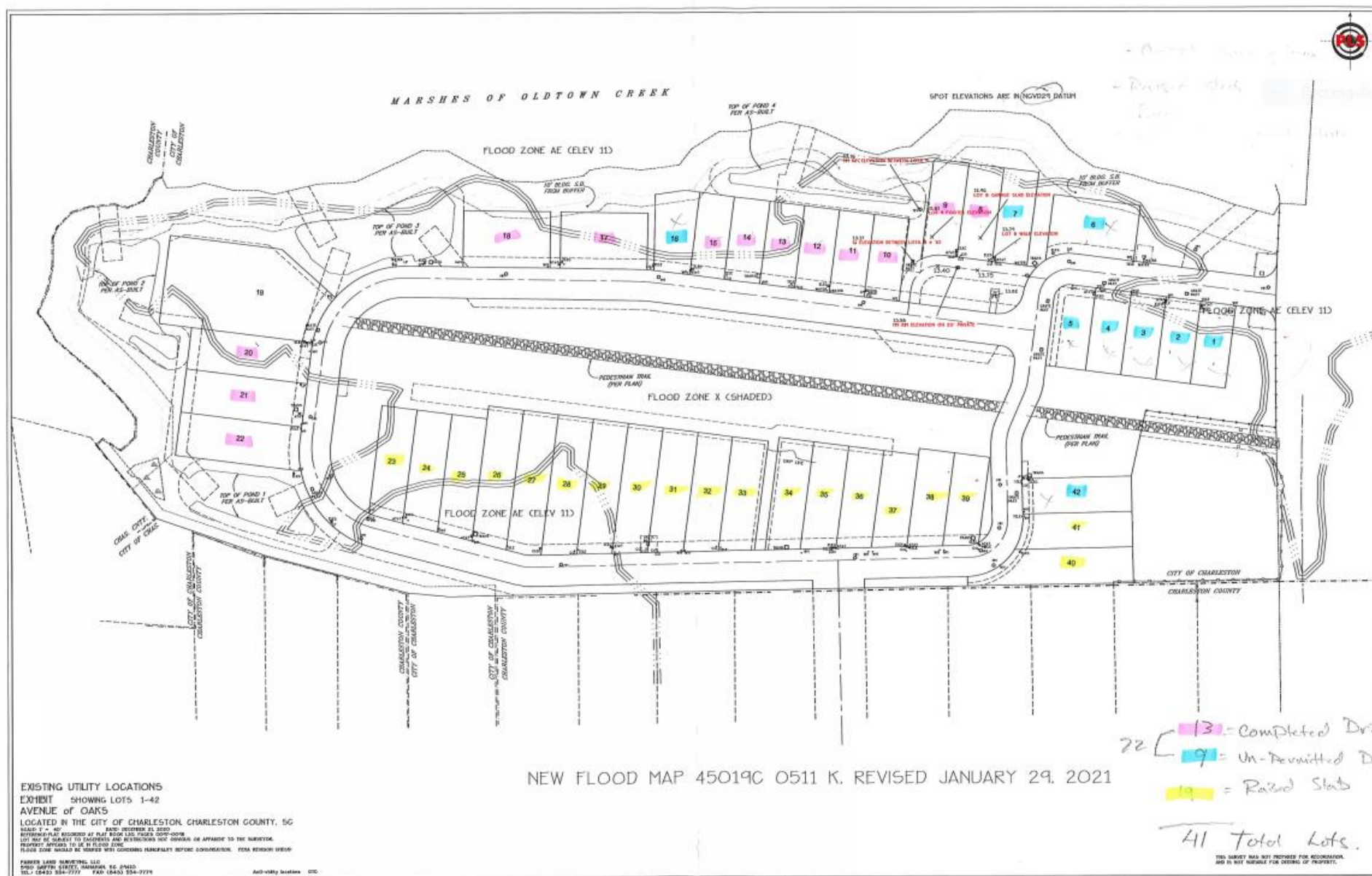


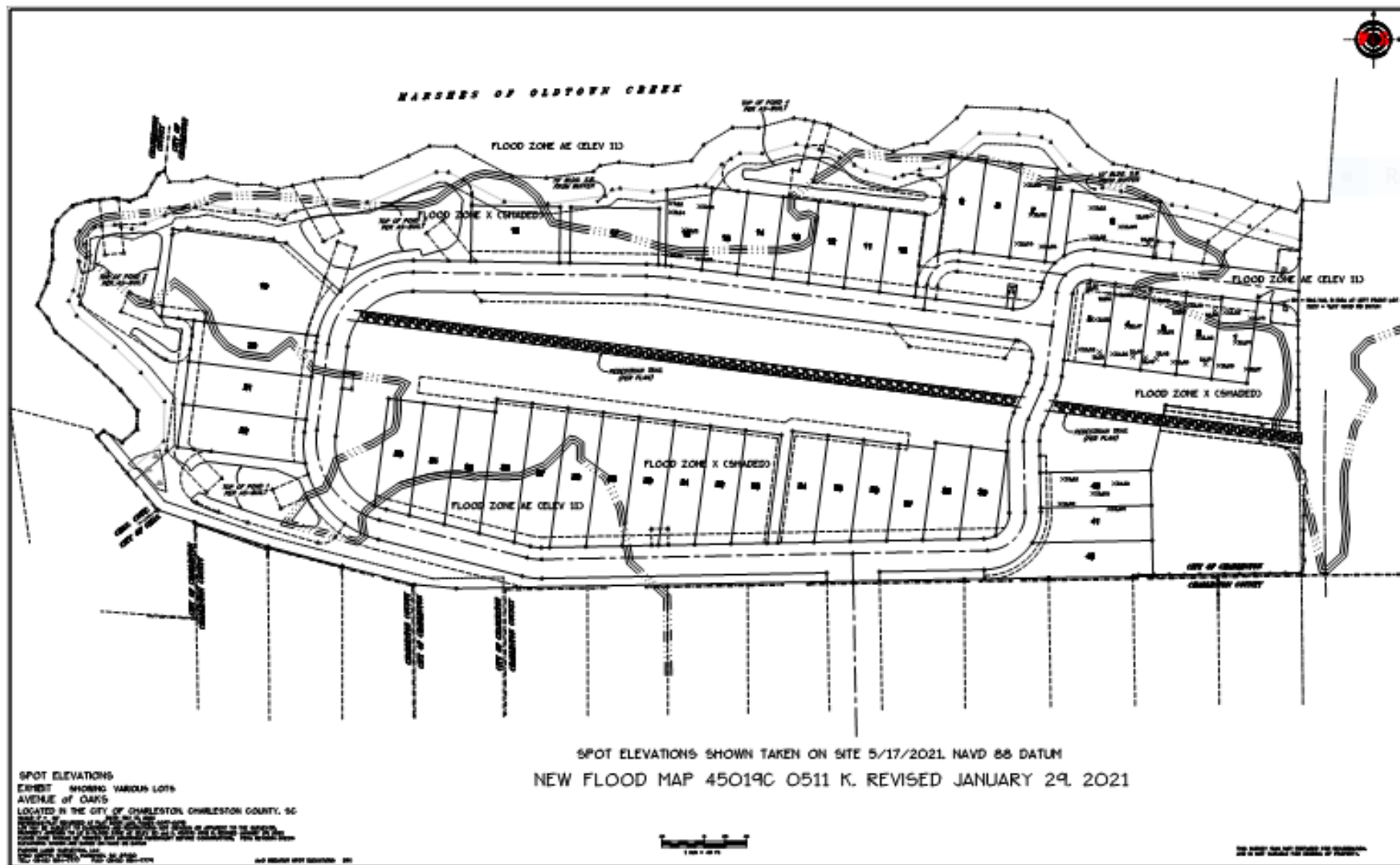
$13 + 1 - 11.5 + 35 = 37.5'$
Base Flood Free Board Lowest Curb Height from SR-1
Allowable Height For Lots

Re-grade Lots to Put Pond Elev. @ 12'



RIBBON CURB TO BE LOCATED ON BOTH SIDES OF THE ALLEY WAY / CROSSING TO ENSURE ADA COMPLIANCE AND SMOOTH TRANSITION ACROSS THE PAVEMENT





MONROE DU FRONT DOOR RIGHT

3-4 BEDROOMS / 2.5-4.5 BATHS

SQUARE FOOTAGE TOTALS	
FIRST FLOOR HEATED	1411
SECOND FLOOR HEATED	916
TOTAL HEATED AREA	2327
FRONT PORCH (ALL ELEVS)	168
REAR COVERED STOOP (ALL ELEVS)	65
TOTAL AREA	2,560
OPTIONS	
BALCONY (ELEV. B&C)	168
OPT. DINING BUMP OUT	+29
OPT. 2ND MASTER SUITE	+443
OPT. 2ND MASTER SUITE BALCONY	+65
OPT. 2ND MASTER SUITE EXT. BALCONY	+95
OPT. EXT. SCREENED PORCH	+95

SCHEDULE OF DRAWING SET

A0	COVER SHEET
A1	ELEVATIONS - FRONT AND REAR
A2	ELEVATIONS - SIDES
A3	ROOF PLAN
A4	GROUND FLOOR PLAN
A5	FIRST FLOOR PLAN
A6	SECOND FLOOR PLAN
A7	OPT. EXT. SCREENED PORCH ELEVATION AND PLAN
A8	OPT. SECOND MASTER SUITE WITH EXT. BALCONY ELEVATION AND PLAN
E1	GROUND FLOOR ELECTRICAL
E2	FIRST FLOOR ELECTRICAL
E3	SECOND FLOOR ELECTRICAL
E4	OPT. SECOND MASTER SUITE WITH EXT. BALCONY ELECTRICAL
D1	DETAILS
D2	DETAILS

Plans to be built according to the latest adopted edition of the
International Residential Building Code Standard for
Single Family Residential Dwellings

AVO 41

REVISION LOG	
REV	DESCRIPTION
1.0	1000-00
2.0	1000-00
3.0	2000-00
4.0	2000-00
5.0	2000-00
6.0	2000-00
7.0	2000-00
8.0	2000-00
9.0	2000-00
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99.0	2000-00
100.0	2000-00

1027 AVE OF OAKS

CRESCENT HOMES
572 Savannah Highway
Charleston, South Carolina
Fax (843) 402-0135
Phone (843) 572-9535

**MONROE DU
AVENUE OF OAKS**

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PLANTING:	
REVISIONS:	
DRAWN BY:	DA
DATE:	02/05/21
JOB NO.:	
TITLE:	COVER SHEET
SHEET:	COVER



(ALL WOOD TO BE TREATED & PAINTED)

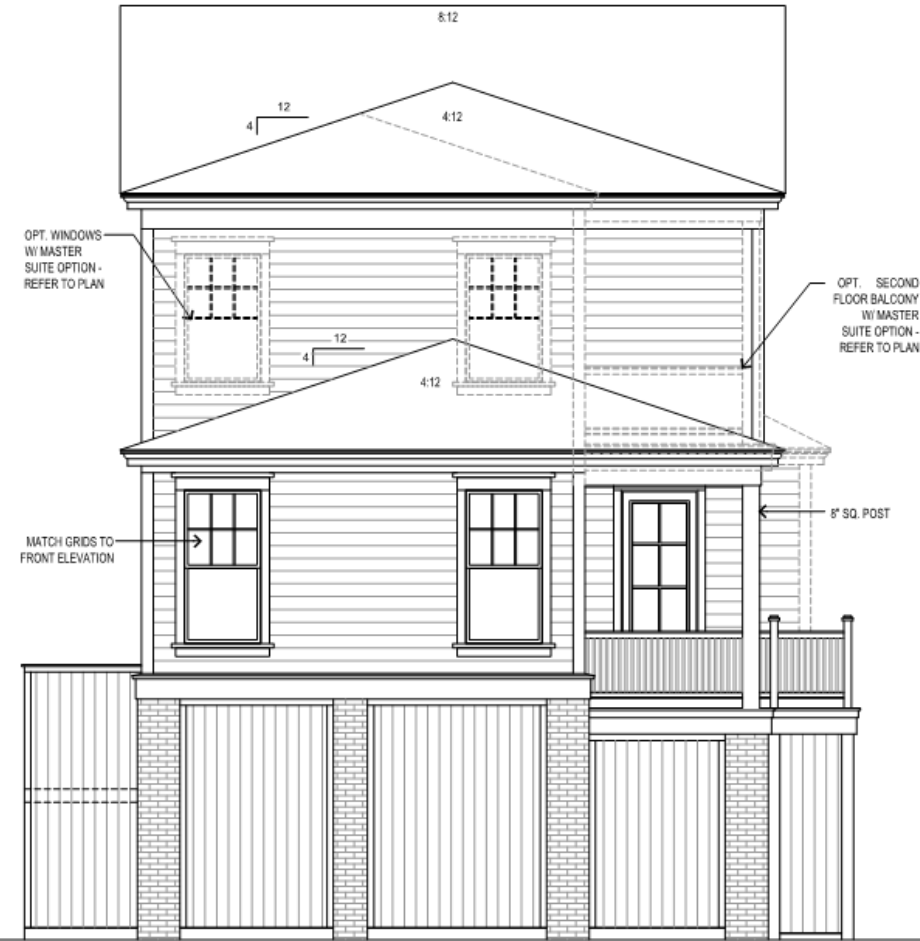
1 - RAILING DTL. ELEV 'C'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



FRONT ELEVATION 'C'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



REAR ELEVATION 'C'

11x17: 3/16"=1'-0"
22x34: 3/8"=1'-0"



LEFT ELEVATION 'C'

11x17: 1/8"=1'-0"
22x34: 1/4"=1'-0"



RIGHT ELEVATION 'C'

11x17: 1/8"=1'-0"
22x34: 1/4"=1'-0"

CRESCENT HOMES
572 Savannah Highway
Charleston, South Carolina
Fax (843) 482-0135
Phone (843) 573-9635

MONROE DU
AVENUE OF OAKS

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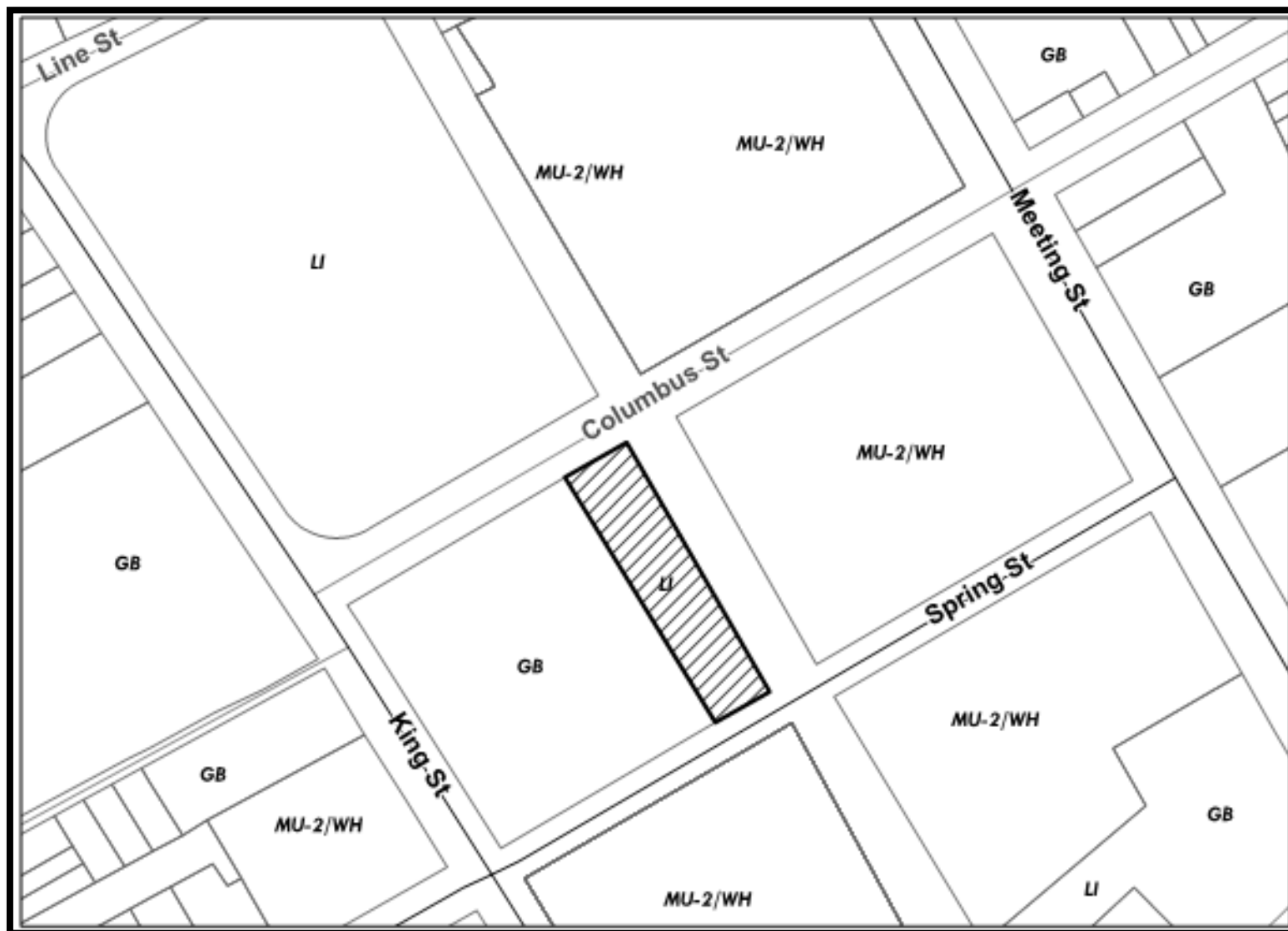
PLAN NAME:	
REVISIONS:	
DRAWN BY:	DA
DATE:	02/05/21
JOB NO.:	
TITLE:	SIDE ELEVATIONS
SHEET:	A2-C

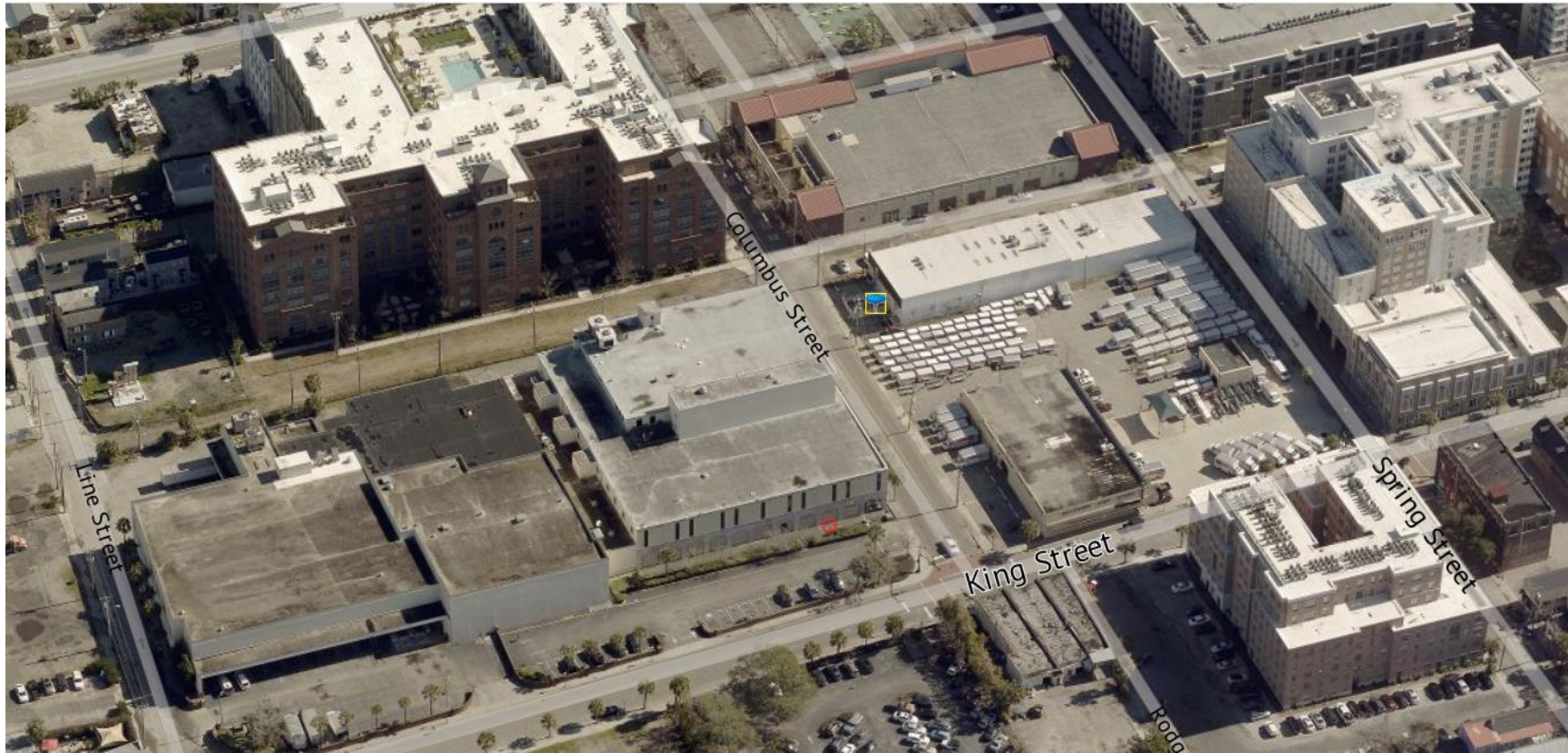
Agenda Item #B-4

131 COLUMBUS STREET
(CANNONBOROUGH/ELLIOTBOROUGH)

TMS # 460-08-02-001

Request special exception under Sec. 54-220 to allow a 175-unit accommodations use in a LI-A (Light Industrial-Accommodations) zone district.









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: August 3, 2021

Property Address 131 Columbus Street TMS # 460-08-02-001

Property Owner Southern Realty Development Corporation Daytime Phone 843-414-9753

Applicant Hellman & Yates, PA, Brian A. Hellman Daytime Phone 843-414-9753

Applicant's Mailing Address 105 Broad Street, Third Floor, Charleston, SC 29401

E-mail Address bh@hellmanyates.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Attorney

Zoning of property GB-A

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Brian A. Hellman Date July 1, 2021

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

The Applicant, on behalf of Property Owner Southern Realty Development Corporation, seeks a Special

Exception for a 175 room Accommodations Use pursuant to Section 54-220 of the Zoning Ordinance for the

City of Charleston. Attached hereto and incorporated herein is the Project Overview by McMillan Pazdan

Smith, the Traffic Impact Analysis by Bihl Engineering, and the application of the plans to the Ordinance

by Hellman & Yates, PA.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

HELLMAN YATES

ATTORNEYS AND COUNSELORS AT LAW

BRIAN A. HELLMAN
DIRECT VOICE 843 414-9753
BH@HELLMAN-YATES.COM

HELLMAN & YATES, PA
105 BROAD STREET, THIRD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
V 843 266-9099
F 843 266-9188

July 1, 2021

Lee Batchelder AICP
Zoning Administrator
Department of Planning, Preservation & Sustainability
City of Charleston
2 George Street
Charleston, South Carolina 29401

RE: Request for Special Exception for Accommodation Use of 131 Columbus Street (TMS # 460-08-02-001)

Dear Mr. Batchelder

On behalf of Southern Realty Development Corporation ("SRDC"), the enclosed supporting materials are provided to assist the City of Charleston Board of Zoning Appeals in its consideration of SRDC's request for a Special Exception for Accommodation Use for the development of a hotel at 131 Columbus Street.

SRDC's property at 131 Columbus Street consists of a 0.404 acre parcel. The property abuts the former railroad right-of-way, now Lowcountry Lowline. It was developed and formerly used by SRDC as a warehouse with rail access for its affiliated wine and liquor distribution operations. It is a block and metal siding building currently utilized as a bowling alley.

Section 54-220 of the City of Charleston Zoning Code provides the criteria for a special exception to permit an Accommodation Use in the Accommodations Overlay Zone. The proposed hotel is fully compliant with all of the section as shown below. We will take the liberty of recasting the Special Exception criteria of Sec 54-220 with our compliance below in bold.

Sec. 54-220. - Accommodations overlay zone.

b. Permitted uses. In any Accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2: Part 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:

1. Accommodations uses. The Board of Zoning Appeals-Zoning may permit accommodations uses as an exception where it finds that:
 - (a) the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the

U.S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided further, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City.

The proposed accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception.

- (b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within five years of the application for the exception;

The proposed accommodations use is located in the Accommodations Overlay on the peninsula and will not reduce or displace any office space.

- (c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the property;

The proposed accommodations use is located in the Accommodations Overlay on the peninsula and will not displace more than 25% of the linear frontage of existing ground floor storefront retail space, if any, on the property.

- (d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

The proposed accommodations use is located on non-residential sections of Columbus and Spring Streets which connect to King and Meeting Streets, both and will not significantly increase automobile traffic on streets within residential districts per the Traffic Impact Analysis of Bihl Engineering, LLC.

- (e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district;

The location of the proposed accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district, as the immediate block surrounding this property includes a shuttered grocery store and a moving and storage company.

- (f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use,

except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

The total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use will be less than 9,000 square feet (or 6.3%), including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities which does not exceed 12 percent of the total interior, conditioned floor area in the accommodations use (or 16,976 square feet).

- (g) the accommodations use proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop-off and pick-up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impacts;

The proposed accommodations use guest drop off and pick up area is located outside the public right-of-way and on the property to be utilized for the accommodations use to minimize traffic impacts.

- (h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units.

The total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is one hundred seventy-five 175 units which exceeds ten (10) sleeping units.

- (i) within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1"; 180 in areas designated "A-2"; 225 in areas designated "A-3"; 100 in areas designated "A-4"; 150 in areas designated "A-5"; 69 in areas designated "A-6"; and 175 in areas designated "A-7"; provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, turndown service,

newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units;

The property is within the Full-Service Corridor and will have one hundred seventy-five (175) sleeping units and will provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services.

- (j) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use;

The proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use.

- (k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous;
- (2) Notwithstanding subsection k(1) hereof, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (i) hereof shall govern the square footage of required meeting and conference space;

The proposed accommodations use will contain more than 50 sleeping units and is located in the Full-Service Corridor, and is governed by the provisions of subsection (i) hereof.

- (l) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of the ordinance from which this section derives; for purposes of this subsection (l) only, a Full-Service Hotel means (1) a Full-Service Hotel as defined in subsection (i); and (2) any accommodations use on the peninsula having in excess of 150 sleeping units; and

The proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula.

- (m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: \$5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

To assist in providing affordable housing opportunities for its employees, the developer of the accommodations use commits to

contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: \$5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

- c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application for the exception, the type of unit (rental or owner-occupied; one-family detached; one-family attached; two-family or multi-family; occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

No existing dwelling units have been on this property in more than five (5) years.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income values;

No existing dwelling units have been on this property in more than five (5) years.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within five years of the date of application for the exception;

No existing office space has been on this property in more than five (5) years.

4. The linear frontage of existing ground floor storefront retail space on the property;

There is no linear frontage of existing ground floor storefront retail space on the property.

5. The location and design of guest drop off and pick up areas for the accommodations use;

The guest drop off and pick up areas for the proposed accommodations use will enter and exit from Columbus Street and are located internal to the project as shown on Page 8 of the enclosed drawings.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;

The cumulative number of vehicle trips the proposed accommodations use is projected to generate is 82 new vehicle trips during the AM peak hour (48 entering and 34 exiting), 105 new vehicle trips during the PM peak hour (54 entering and 51 exiting), and 1,549 daily. Efforts made to minimize traffic impacts include location on the Lowline and near CARTA stops as well as providing bicycle parking.

7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;

The main and parking entrance of the proposed accommodations use is 298' feet from King Street and 470' feet from Meeting Street, which are both classified as major arteries as is visually depicted on Page 6 of the enclosed drawings.

8. The land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;

The existing land uses within 500' of the proposed accommodations use are depicted on Page 5 of the enclosed drawings and include accommodations, manufacturing/printing, commercial/office, park, parking, and residential.

9. The proximity of residential districts to the accommodations use;

Residential districts are located west of King Street and east of Meeting Street as depicted on Page 6 of the enclosed drawings.

10. The accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district;

A restaurant is being proposed for this accommodations use. This proposed use is not expected to have any consequential impact on parking, traffic generation, noise or odors in or to any residential districts.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 54-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed;

The proposed accommodations use will have at least 125 parking spaces which exceeds two spaces for each three sleeping units through the utilization of mechanical and other means of parking.

12. The presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use;

There are no known industrial uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials within five hundred feet (500') of the proposed accommodations use.

13. The commitment to environmental sustainability and recycling;

The proposed accommodations use will be committed to environmental sustainability and recycling.

14. The distance of the accommodations use from major tourist attractions;

The proposed accommodations use is located on the peninsula and is in close proximity to major tourist attractions on the peninsula as well as off-peninsula locations such as Patriot's Point and Highway 61 plantations.

15. The distance of the accommodations use from existing or planned transit facilities;

The proposed accommodations use is located within 100' from a CARTA bus stop and HOP bus stop, and abuts the proposed Lowline which will provide access to the proposed LCRT stop as depicted on Page 6 of the enclosed drawings.

16. The long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;

The proposed accommodations use will have 125 parking spaces in excess of the zoning-required amount, a portion of which will be provide to employees for parking, furthermore transit passes and bicycle parking, where appropriate, will be provided.

17. The number of sleeping units proposed as part of the accommodations use;

175 sleeping units are proposed as part of the accommodations use.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

Not applicable.

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-268 (e)(1), (2), and (3) of the Code of the City of Charleston;

The proposed accommodations use is committed to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-268 (e)(1), (2), and (3) of the Code of the City of Charleston.

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.

The proposed accommodations use is committed to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.

If you have any questions or or concerns regarding this request, please contact me at any time. I can be reached at (843) 414-9753.

I appreciate your assistance with this application.

With warmest regards, I am

Yours very truly,



Brian A. Hellman

COLUMBUS HOTEL

131 COLUMBUS ST - 02 JULY 2021



VIEW EAST ON SPRING ST (TO MEETING ST)



LOWLINE NORTH APPROACH (FROM WOOLFE ST)

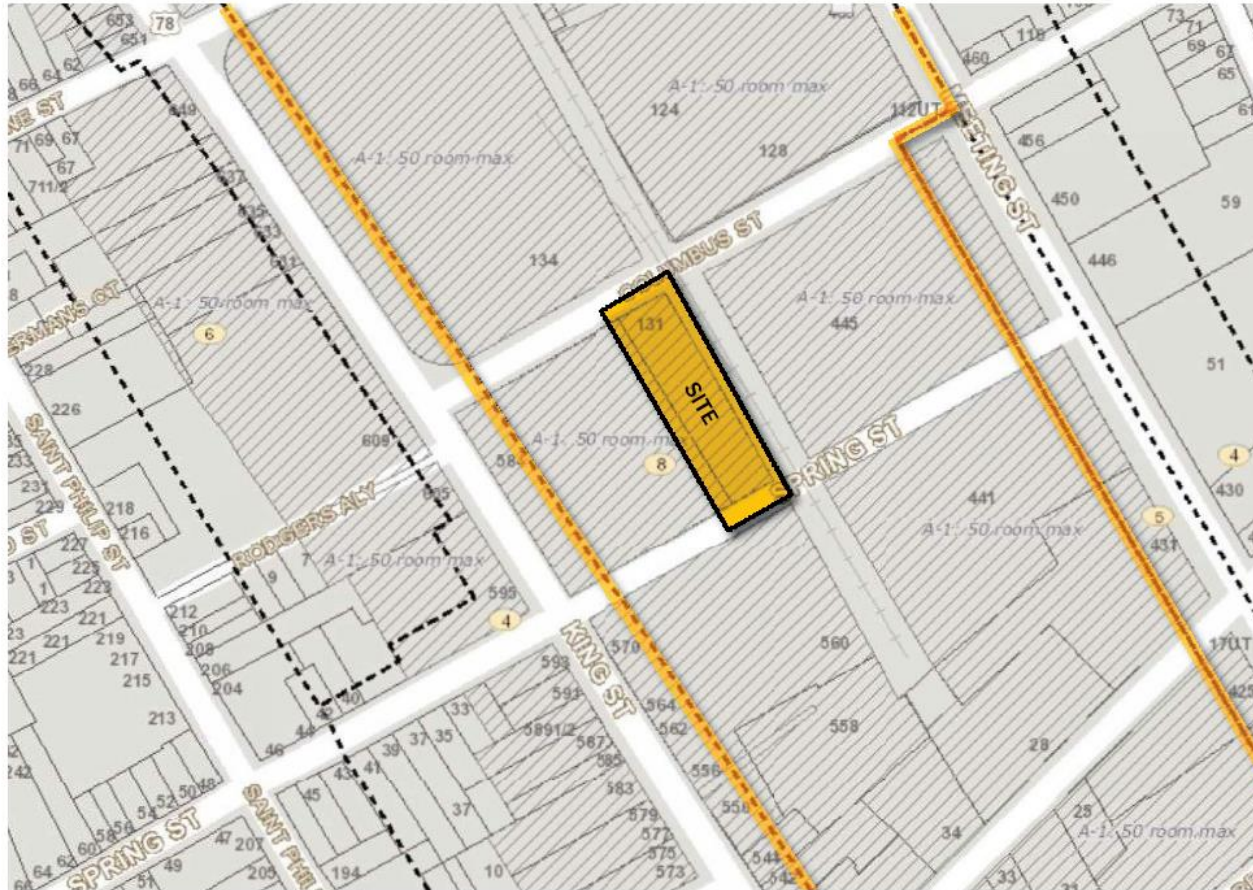


VIEW EAST ON COLUMBUS ST (TO MEETING ST)



LOWLINE SOUTH APPROACH (FROM LINE ST)

EXISTING SITE PHOTOS



ACCOMODATIONS OVERLAY AND HEIGHT DISTRICT ZONING MAP
 DIAGONAL HATCH INDICATES A-1 ACCOMMODATIONS




CURRENT ZONING

131 COLUMBUS ST

CODE : LI
 OLD CITY HEIGHT DISTRICT : 8
 OVERLAY : ACCOMODATIONS,
 AMUSEMENT, AND
 RECREATION
 RESIDENTIAL SHORT TERM : SR
 OLD CITY DISTRICT

SEC. 54-201. - BASE ZONING DISTRICT
 SEC. 54-306.F. - HEIGHT DISTRICT 8

 OLD CITY HEIGHT DISTRICT : 8

ZONING

LAND USE LEGEND

- ACCOMODATIONS
- COMMERCIAL/OFFICE
- PARKING
- PARK
- RESIDENTIAL
- VACANT LOT

- ▨ FULL SERVICE HOTEL CORRIDOR

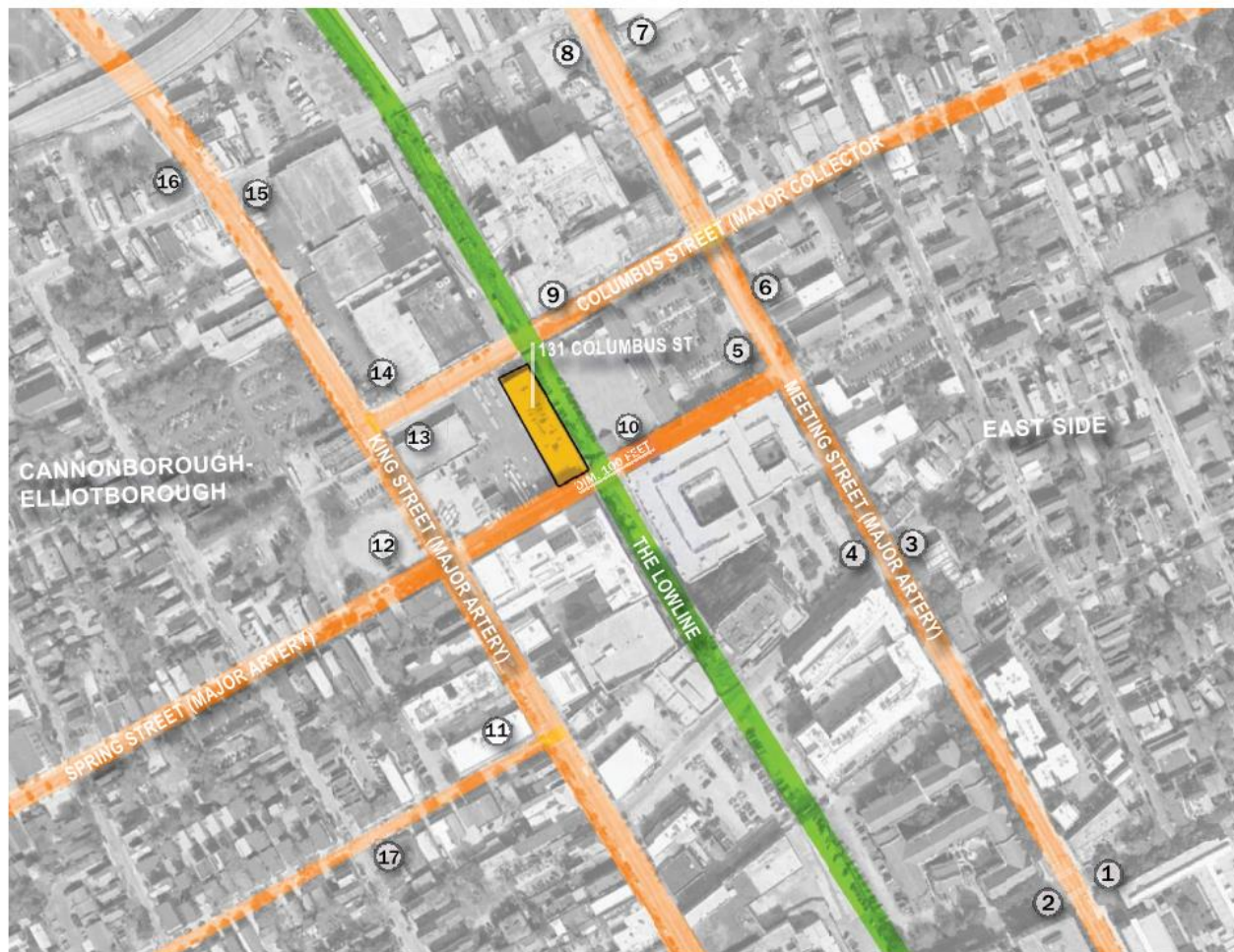
EXISTING

- E1 BILO GROCERY (VACANT)
- E2 ELAN MIDTOWN
- E3 THE SKYGARDEN
- E4 HOLIDAY INN (120 KEYS)
- E5 HOMEWOOD SUITES (139 KEYS)
- E6 WOOLFE ST PLAYHOUSE
- E7 HYATT (191 KEYS)
- E8 U-HAUL
- E9 POST AND COURIER
- E10 THE GUILD
- E11 LIFESTYLE COMMUNITIES

POTENTIAL/FUTURE

- F1 THE WOOLFE HOTEL (252 KEYS)
- F2 411 MEETING ST (300 KEYS)
- F3 MORRIS SOKOL (200 KEYS)
- F4 POST AND COURIER
- F5 THE LOWLINE

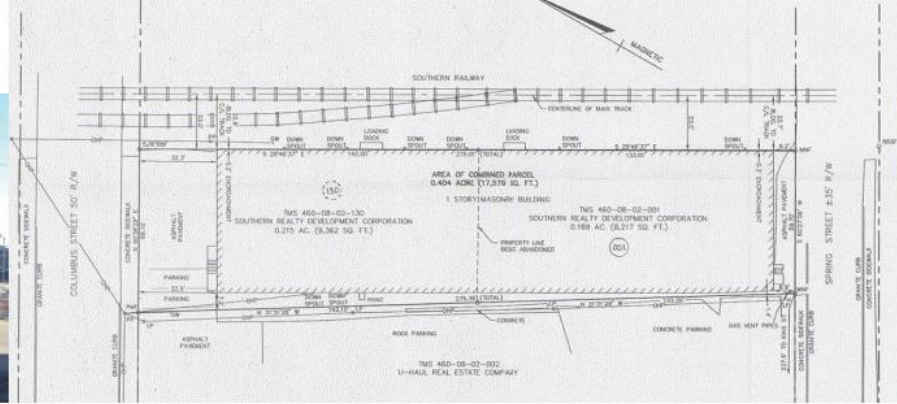




CARTA STOPS USAGE (ROUTE NUMBERS)

- 1 : 211, 20
- 2 : 213, 40, 41, 10, 11, 20
- 3 : 30, 211, 40, 10, 20
- 4 : 40, 41, 20
- 5 : 213, 40, 41, XP1, 10, XP2, 11, XP3, 20
- 6 : XP1, XP2
- 7 : 40, 10
- 8 : 40, 10
- 9 : 20
- 10 : 30, 211
- 11 : 211
- 12 : 30
- 13 : 20
- 14 : 20
- 15 : 20
- 16 : 20
- 17 : 30, 213

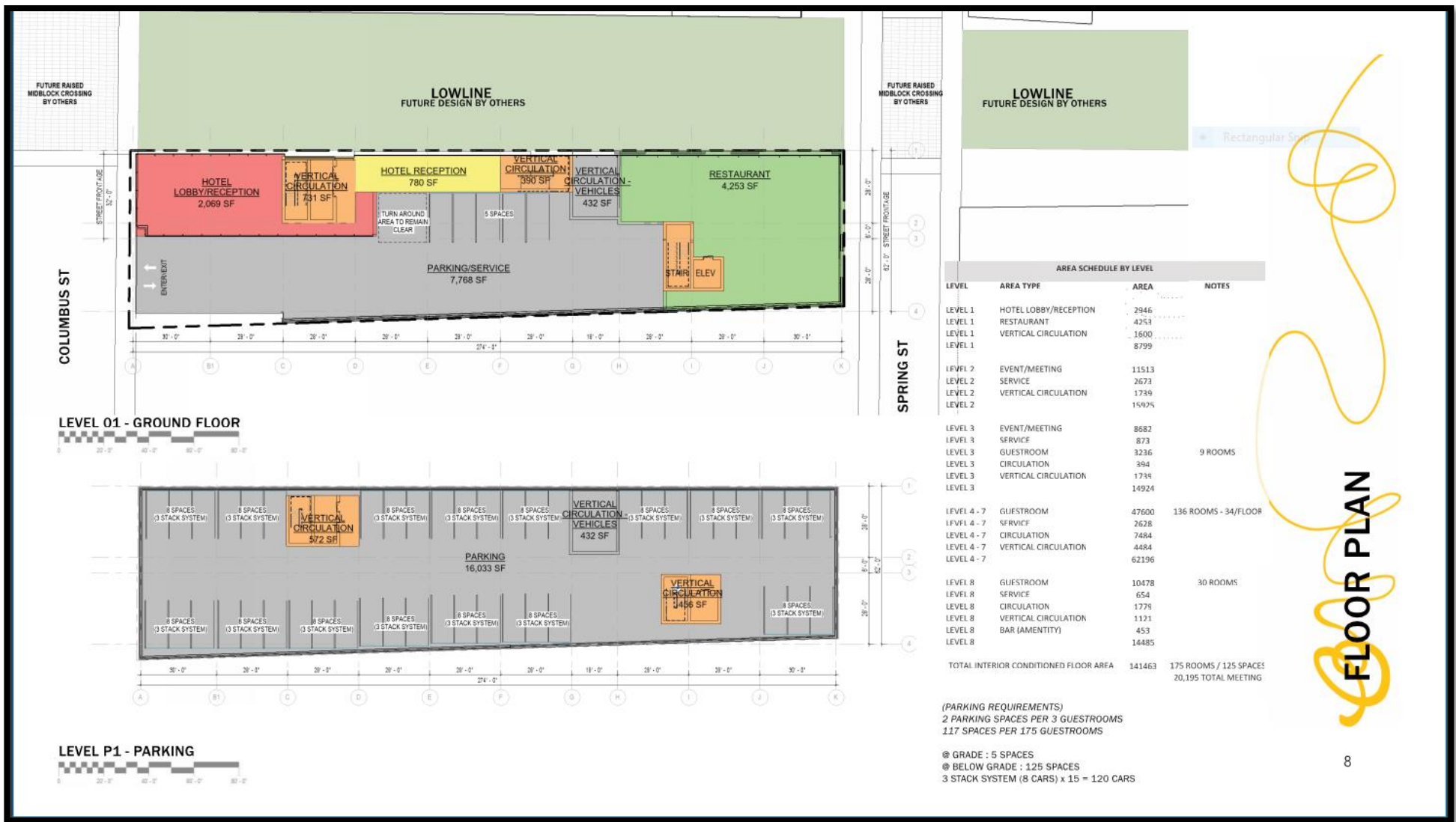
TRANSPORTATION NETWORK

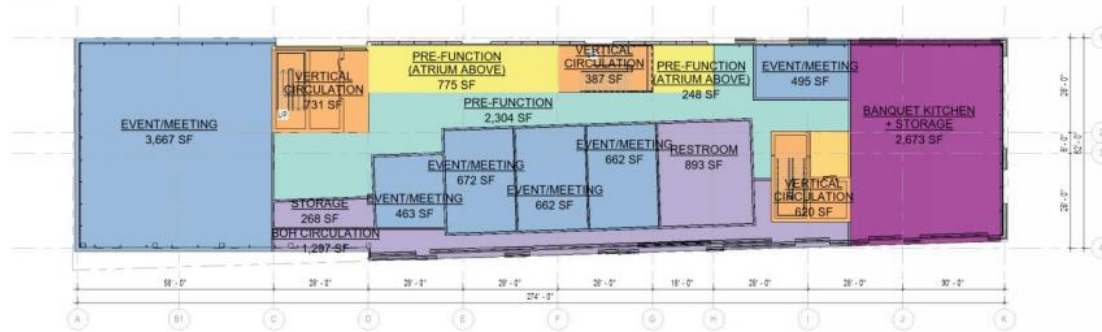


EXISTING SITE SURVEY

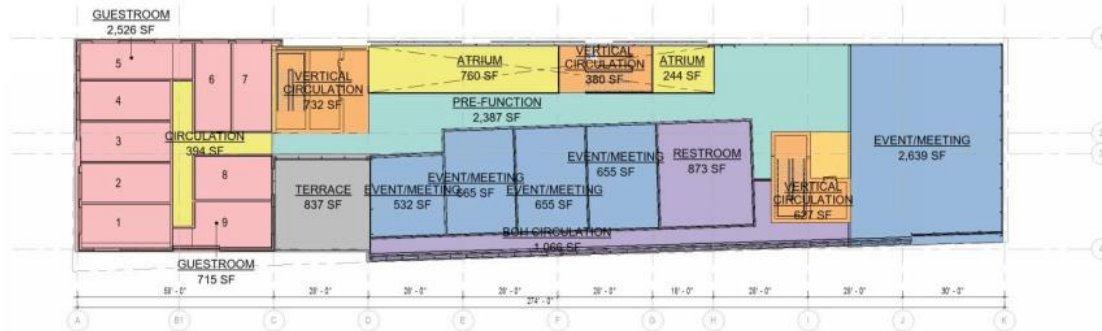
Rectangular Site

SITE SURVEY (EXISTING FRONTAGE)





LEVEL 02 - MEETING SPACE



LEVEL 03 - MEETING SPACE

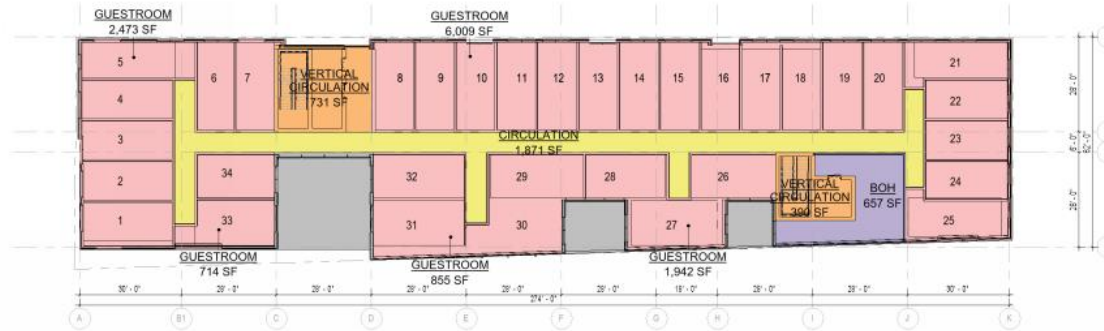


MEETING SPACE @ LVL 02 : 11,513 SF
MEETING SPACE @ LVL 03 : 8,682 SF
(OVERALL MEETING SPACE : 20,195 SF)

MEETING SPACE IS UNIFIED AND CONTIGUOUS
THROUGH A CENTRAL ATRIUM OVERLOOKING
THE LOWLINE; SEAMLESSLY BLENDING PUBLIC
AND PRIVATE SPACE THROUGH A 3 STORY
GLASS FACADE.

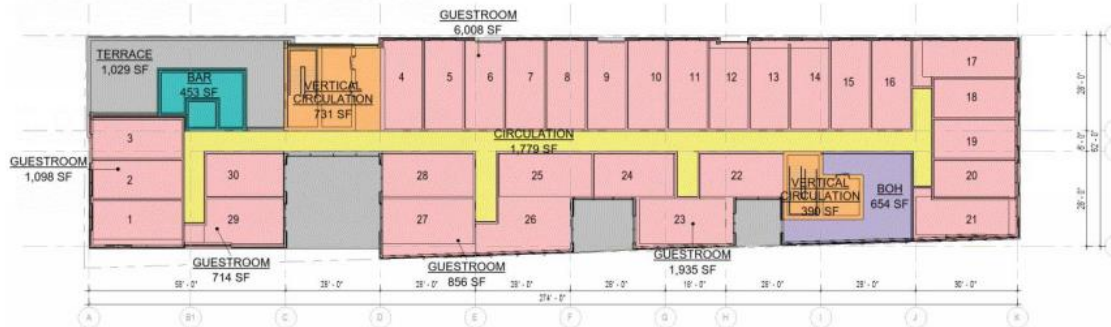
GUESTROOMS @ LVL 03 : 9 KEYS
(OVERALL GUESTROOMS : 175 KEYS)

FLOOR PLAN



GUESTROOMS @ LVL 04 - 07 : 136 KEYS
(OVERALL GUESTROOMS : 175 KEYS)

LEVEL 04 - 07 - TYPICAL GUESTROOMS



GUESTROOMS @ LVL 08 : 30 KEYS
(OVERALL GUESTROOMS : 175 KEYS)

ROOFTOP AMENITY: APPROX. 1500 SF
(INCLUDED IN THE 12% FOOD AND BEVERAGE CALCULATIONS)

LEVEL 08 - GUESTROOMS

FLOOR PLAN



MASSING EAST ELEVATION (AT LOWLINE)



MASSING NORTH ELEVATION (AT COLUMBUS)



MASSING PESRSPECTIVE (SPRING + LOWLINE)
(LOWLINE DESIGN SHOWN FOR CHARACTER ONLY)

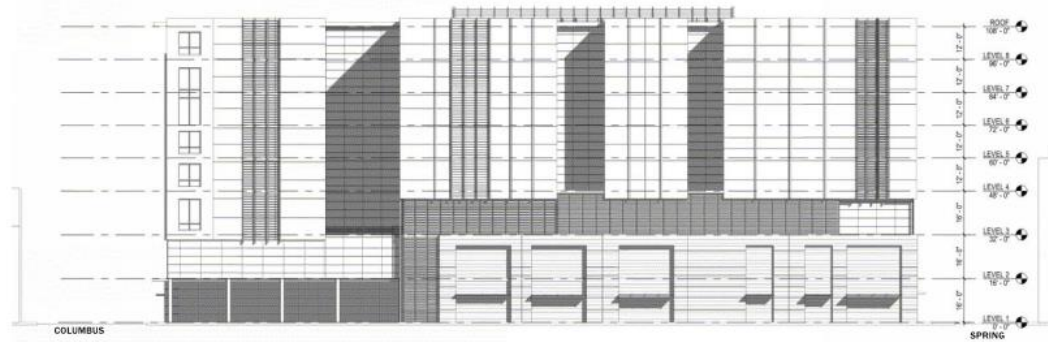


MASSING PESRSPECTIVE (COLUMBUS + LOWLINE)
(LOWLINE DESIGN SHOWN FOR CHARACTER ONLY)



Rectangular Sh...

BUILDING ELEVATIONS



MASSING WEST ELEVATION (AT U-HAUL)



MASSING SOUTH ELEVATION (AT SPRING)



MASSING PERSPECTIVE (COLUMBUS + U-HAUL)
(LOWLINE DESIGN SHOWN FOR CHARACTER ONLY)

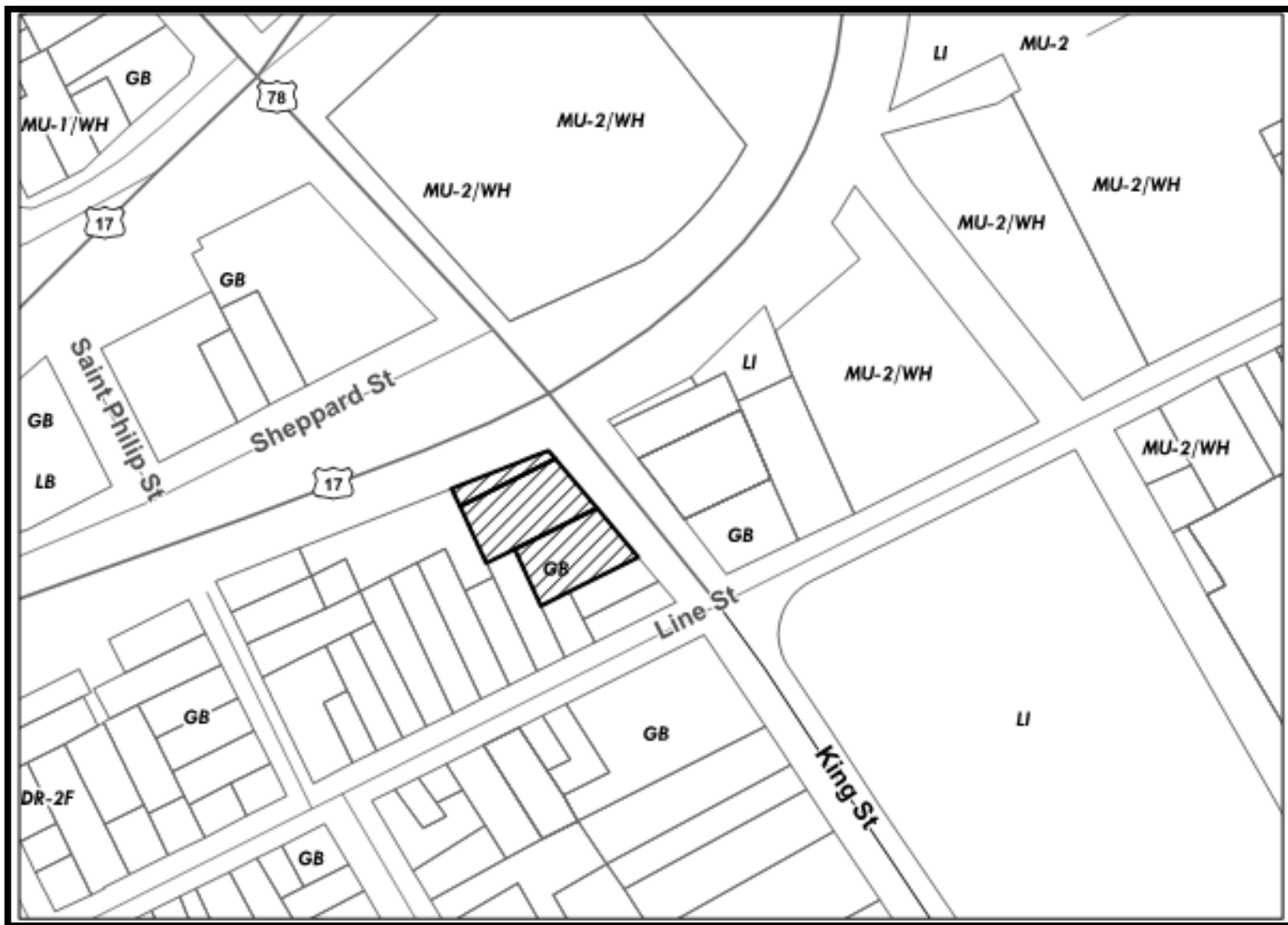


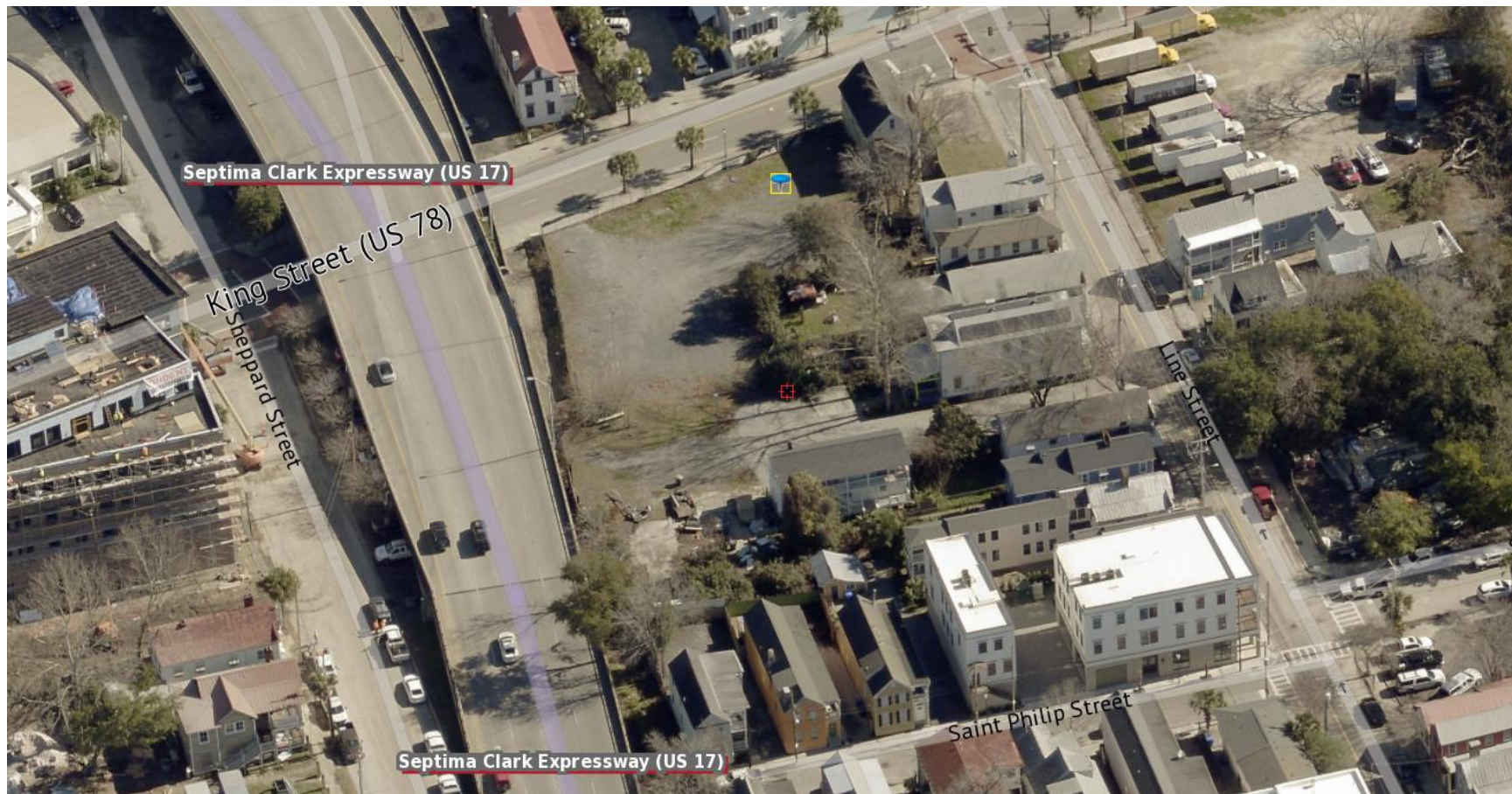
BUILDING ELEVATIONS

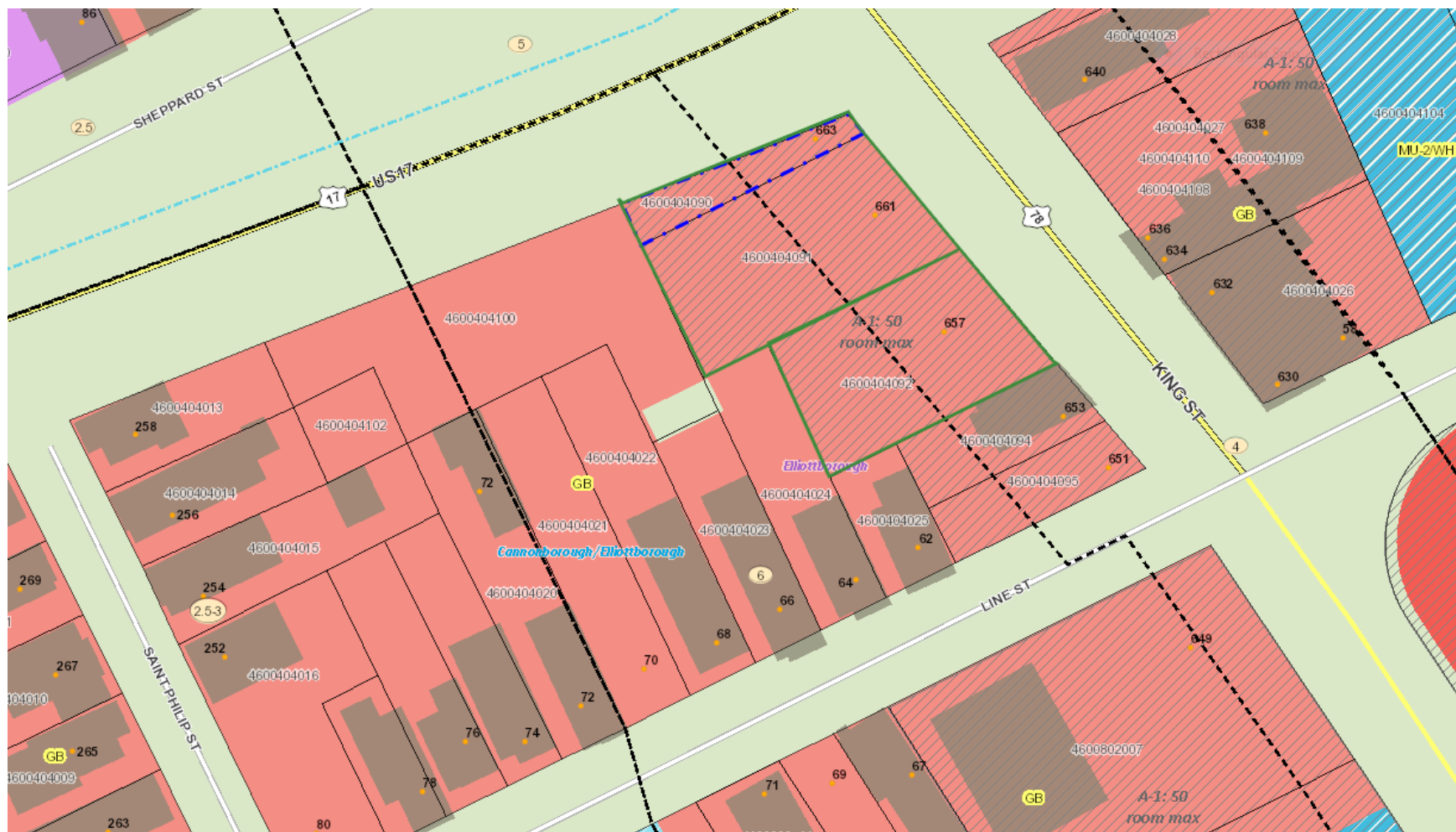
Agenda Item #B-5

657, 661 AND 663 KING STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS# 460-04-04-090, 091 AND 092

Request special exception under Sec. 54-220 to allow a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.









City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: AUGUST 3, 2021

Property Address 657, 661, 663 KING STREET TMS # 460-04-04-090,091,092

Current Owner/Seller: Richards Gregory, The Twisted Bubble LLC John Hamilton -

Property Owner _ Future Owner/Buyer: John Hamilton, Hamilton Development, INC ne Phone _ 303.606.2221

Applicant _ STEPHEN RAMOS, LS3P STEVE RAMOS
_ Daytime Phone _ 843.958.5419

Applicant's Mailing Address LS3P, 205 1/2 KING STREET

E-mail Address STEPHENRAMOS@LS3P.COM

Relationship of applicant to owner (same, representative, prospective buyer, other) _ DESIGN PROFESSIONAL

Zoning of property GB

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Stephen Ramos Date 7/1/2021

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

REQUESTING APPROVAL OF 50 ROOM HOTEL AT 657 KING STREET.. SEE ATTACHED SPECIAL EXCEPTION – EXHIBITS, ZONING NARRATIVE AND TRIP GENERATION LETTER.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

657 King Street Hotel
Accommodations Overlay Zone Special Exception Request

July 2, 2021 Submission

August 3, 2021 Meeting

Special Exception Narrative by Steve Ramos/LS3P

Summary

1. ZONING CONFORMANCE - *The proposed 50 room hotel fulfills all of the 20 requirements of the City of Charleston Accommodations Special Exception Test.*

2. GOOD FOR PEOPLE – *A vibrant mixed use development will be developed which will fill in a 'missing tooth' along King Street.*

3. GOOD FOR CARS - *The site is easily accessible from Line Street which will minimize traffic impacts to the neighborhood. The hotel drop-off, pick up and parking are contained entirely on site.*

4. AFFORDABLE HOUSING - *The project will contribute over 200 Thousand Dollars to the City of Charleston Affordable & Workforce Housing Fund.*

Responses to Accommodations text in Red Italics.

Sec. 54-220. - Accommodations overlay zone.

- a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of short term rentals and bed and breakfasts that are approved in accordance with the provisions of sections 54-208, 54-208.1, 54-208.2, 54-208.3, 54-224. b. I or 54-227. The City places a high value on the preservation of the character of its residential districts. Outside of its residential districts, the City places a high value on the preservation and creation of a diverse mix of uses, containing a balance of uses comprised of retail uses, office uses, service industry uses, educational uses, cultural uses, and appropriate residential uses. Potential negative impacts of accommodations uses affecting residential districts shall be avoided or minimized to the greatest extent possible, and, outside residential districts, accommodations uses shall contribute to preservation or creation of diverse, mixed-use districts. The City places a high value on assuring that its residents have access to housing that is safe and decent and affordable to persons of all income levels. While accommodations uses are a source of jobs, many, if not most, of the jobs created are low-paying, with minimal benefits, heightening the need for housing that is attainable by those employed in the field of accommodations uses and rendering it necessary and proper for accommodations uses to reasonably contribute to the creation of housing affordable for its workforce. The City places a high value on maintaining a free and safe flow of traffic and the availability of parking spaces convenient to residents, patrons, workers and visitors. As accommodations uses give rise to employees often having to drive to reach the workplace, to assist in the maintenance of a free and safe flow of traffic and convenient parking, it is necessary and proper and in furtherance of good order that accommodations uses provide a plan for parking employees and/or promoting the use of public transportation.
- b. Permitted uses. In any Accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2: Pa 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:
 1. Accommodation uses. The Board of Zoning Appeals may permit accommodation uses as an exception where it finds that:
 - (a) the accommodations use will not result in a net loss of dwelling units that have been occupied within 5 years of the date of application for the exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed site location does not result in an over concentration of low income households, as defined by the U. S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided for, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City
The proposed development will not displace any housing units.
 - (b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within 5 years of the application for the exception;

The proposed development will not displace any office space.

- (c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground for storefront retail space on the property;

The proposed development will not displace any retail space.

- (d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

Access to the site will be handled on King and Line which will limit the amount of cars travelling through the Cannonborough-Elliottborough Neighborhood.

- (e) the location of the accommodations use will contribute to the maintenance, or creation, of adverse mixed-use district;

This building is a mixed-use project. It will be constructed within an area that is experiencing a renaissance of development. There is over one million square feet of development occurring in the immediate area that includes office, retail, restaurant and residential. However, there are no hotels currently planned in the immediate area. Therefore, the insertion of this hotel will contribute to the mixed-use district.

- (f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

The proposed hotel design is within the allowable F&B square footage. The ground floor bar and 5th floor bar and restaurant are below 12% of the conditioned area of the building. There is an additional café at the ground floor which is below 2,000sf and that will not serve alcohol.

- (g) the accommodations use proposed guest drop of and pick up area(s) is located outside the public right-of-way and on the property utilized the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop of and pick up area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop-of and pick-up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impacts;

The hotel has a dedicated motorcourt that is accessed from Line Street. This motorcourt is outside of the public right-of-way and has 6 queueing spaces for guests. Valet staff will park cars within the parking garage. All of this is handled outside of the public right-of-way.

(h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units.

The total number of sleeping units is 50.

(i) within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1"; 180 in areas designated "A-2"; 225 in areas designated "A-3"; 100 in areas designated "A-4"; 150 in areas designated "A-5"; 69 in areas designated "A-6"; and 175 in areas designated "A-7"; provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, turndown service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units;

50 units are allowed within the A-1 zone.

(j) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use;

The proposed development will not share buildings, structures, facilities or operations with another accommodations use.

(k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous;

The proposed development will contain the 2,000 sqft of meeting and conference space which is required for a 50 unit hotel. The 4th floor meeting space contains over 1,500sf of contiguous meeting space fulfilling the 75% requirement.

(2) Notwithstanding subsection k(1) hereof, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (i) hereof shall govern the square footage of required meeting and conference space;

The proposed development does not contain more than 50 hotel rooms.

(1) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of this ordinance; for purposes of this subsection (1) only, a Full-Service Hotel means (1) a Full-Service Hotel as defined in subsection (i); and (2) any accommodations use on the peninsula having in excess of 150 sleeping units; and

The proposed hotel does not contain more than 50 hotel rooms.

(m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: \$5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

The design includes 43,812sf of area dedicated to sleeping units and hallways adjacent to sleeping units.. Therefore, the applicant will contribute \$218,341 to the City of Charleston Affordable/Workforce Housing Account.

- c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

(1) the number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within 5 years of the date of the application for the exception, the type of unit (rental or owner-occupied; one-family detached; one-family attached; two-family or multi-family; occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

No housing units will be displaced.

(2) the effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced of-site to remain affordable based on the annually updated median area income values;

No housing units will be displaced.

(3) the presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within 5 years of the date of application for the exception;

No office space will be displaced.

(4) the linear frontage of existing ground floor storefront retail space on the property;

No retail space will be displaced.

(5) the location and design of guest drop of and pick up areas for the accommodations use;

The hotel has a dedicated motorcourt that is accessed from Line Street. This motorcourt is outside of the public right-of-way and has 6 queueing spaces for guests. Valet staff will park cars within the parking garage.

- (6) the cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;

See attached trip generation letter.

- (7) the distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;

The driveway for the hotel is located on Line Street which is classified as a local road. The driveway is 220' feet from King Street which is classified as a primary arterial road.

- (8) the land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;

Within 500' of the site the following uses exist: houses, short term rental units, office space, retail space and restaurant space. There are currently no hotels within 500' of the site, nor are there any planned.

- (9) the proximity of residential districts to the accommodations use;

This site is located at the edge of the Cannonborough-Elliottborough Neighborhood.

- (10) the accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district;

The mixed use development provides the following accessory uses:

- Bar at the Ground Floor*
- Café at the Ground Floor*
- Meeting Space at Level 4*
- Pool, Bar and Restaurant at Level 5*

These uses are comparable to the other uses common on King. Meeting and within the Cannonborough-Elliottborough Neighborhood. Many of the amenities will be used by guests of the hotel therefore will not require additional parking. Guests of this hotel are most likely to utilize ride-sharing companies and less likely to use a personal car. In addition, full time valet personnel will be on site to manage parking. For those reasons, we are confident that the design parking solution is more than adequate to handle these uses.

Noise created at the rooftop bar and restaurant will be mitigated by the massing of the building which provides a 2-story tall buffer to the west and a 48" buffer to

the south. These buffers coupled with the height of the rooftop terrace should make any rooftop noise inaudible.

- (11) the demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 54-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed;

The project has 50 sleeping units, therefore 34 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will occur in the evenings. Of those 20 employees we expect 50% or 10 employees to drive single occupant vehicles to the hotel. Therefore a total of 44 parking spaces are needed for this project. The design includes a total of 45 parking spaces.

- (12) the presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use;

To the best of the owner's knowledge, no such materials exist within 500' of the development.

- (13) the commitment to environmental sustainability and recycling;

The owner and operator of the facility are committed to environmental sustainability, recycling, bicycle parking and the use of mass transit.

- (14) the distance of the accommodations use from major tourist attractions;

The site is located at a convenient mid-point on the Charleston Peninsula. It is less than ¼ mile (5 minute walk) to the Upper King Street District, ¼ mile (15 minute walk) to Calhoun Street and and 1 ¼ mile (25 minute walk) to Market Street.

- (15) the distance of the accommodations use from existing or planned transit facilities;

The following bus systems have stops nearby: The Dash line has a stop on Spring between King and Meeting, The #20 bus has a stop at Meeting and Columbus, and there are several bus routes that depart from the Charleston Visitor Center.

- (16) the long term provision of on or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of fee transit passes or other incentives to encourage employee use of public transportation;

The project has 50 sleeping units, therefore 34 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will occur in the evenings. Of those 20 employees we expect 50% or 10 employees to drive single occupant vehicles to the hotel. Therefore, a total of 44 parking spaces are needed for this project. The design includes a total of 45 parking spaces.

- (17) the number of sleeping units proposed as part of the accommodations use;

The proposed 50 room facility is permitted in the A-1 overlay zone.

- (18) the provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

This hotel is within the A-1 zone therefore a shuttle will not be required.

- (19) the commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in Section 2-268 (e)(1), (2), and (3) of the Code of the City of Charleston;

The owner and operator is committed to working with the City of Charleston Office of Economic Development to see that construction and procurement opportunities are available to MBE's and WBE's.

- (20) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels. d. Violations: In addition to any remedies otherwise available to the City under State law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection c. hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked. e. Applicability: The provisions of this Section 54-220 shall apply to special exceptions for accommodations uses granted by the Board of Zoning Appeals-Zoning after May 28, 2019, it being the intent of City Council that special exceptions approved by the Board of Zoning Appeals-Zoning prior to May 28, 2019 be entitled to and governed by the vested rights provisions accorded by Article 9, Part 5 of this Chapter. The provisions of this Section 54-220 shall not apply to Planned Unit Developments that include accommodations uses as an authorized use that were approved as of May 28, 2019.

The owner and operator is committed to making affirmative, good faith efforts to hire personnel representative of the population of the Charleston community, at all levels of employment.



Rezoning Map

BZA-Z HOTEL SPECIAL EXCEPTION SUBMISSION

DUE DATE: JULY 2, 2021
MEETING DATE: AUGUST 3, 2021
APPLICANT: STEVE RAMOS, LS3P

ADDRESS: 657, 661, 663 KING
TMS# 460-04-04-092,091,090

PROJECT DESCRIPTION

A BZA-Z Hotel Special Exception is being made for a 50 key boutique hotel at 657 King Street. The hotel is a mixed-use project including the following: ground floor cafe, ground floor bar, meeting space, rooftop pool, rooftop restaurant and bar. The building will be a combination of 6 and 4 stories. The project fulfills the 20-point special exception test. No variances or rezonings required. This project is under BAR-L purview.

A new apartment building at 70 Line street will be developed concurrently with the hotel. There are no zoning approvals necessary for the apartment building. It is being shown for information purposes only.



657 KING STREET

657 KING STREET

COVER SHEET - BZA-Z

JULY 1, 2021

A01.



NOTE 1 There are no hotels within 500' of the site. The closest hotel is the Hyatt Hotel which is 1,300' away.

NOTE 2 The Courier Square Phase II development includes a large mixed use development by Greystar and a Senior Living Development by Liberty Healthcare. The developments include retail, restaurant, office, and residential. There are no accommodation uses.

NOTE 3 The Line Street Phase I development includes a mixture of uses including retail, restaurant, office, and residential. There are no accommodation uses.

NOTE 4 The Cannonborough Elliotborough Neighborhood includes the following uses: single family residential, multi-family residential, short-term rentals, bed and breakfasts, office space, retail, restaurants and places of worship.

SCALE: 1" = 300'-0"



657 KING STREET

657 KING STREET

SITE ANALYSIS

JULY 1, 2021

A02



657 KING STREET

657 KING STREET

AERIAL 1

JULY 1, 2021

A03





PHOTO 1 - KING STREET LOOKING NORTH



PHOTO 2 - KING STREET LOOKING NORTH



PHOTO 3 - KING STREET LOOKING NORTH



PHOTO 4 - KING STREET LOOKING NORTH. NEW 5-STORY OFFICE BUILDING AT 677 KING ST



657 KING STREET

657 KING STREET

SITE PHOTOS

JULY 1, 2021

A06



PHOTO 5 - LINE STREET LOOKING WEST



PHOTO 6 - LINE STREET LOOKING WEST



PHOTO 7 - LINE STREET LOOKING NORTH AT 70 LINE ST. RED LINE INDICATES EDGE OF NEW DRIVEWAY

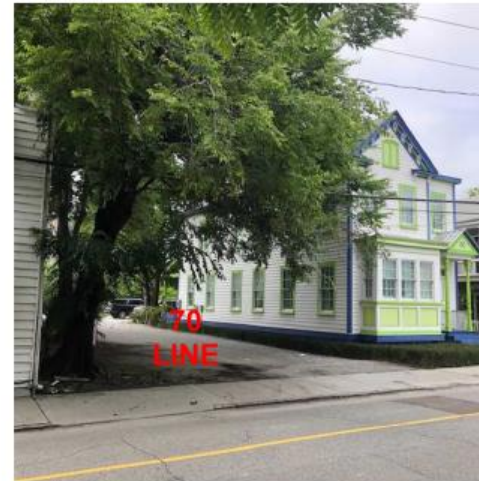


PHOTO 8 - LINE STREET LOOKING NORTH AT 70 LINE ST.

Rectangular Snip



657 KING STREET

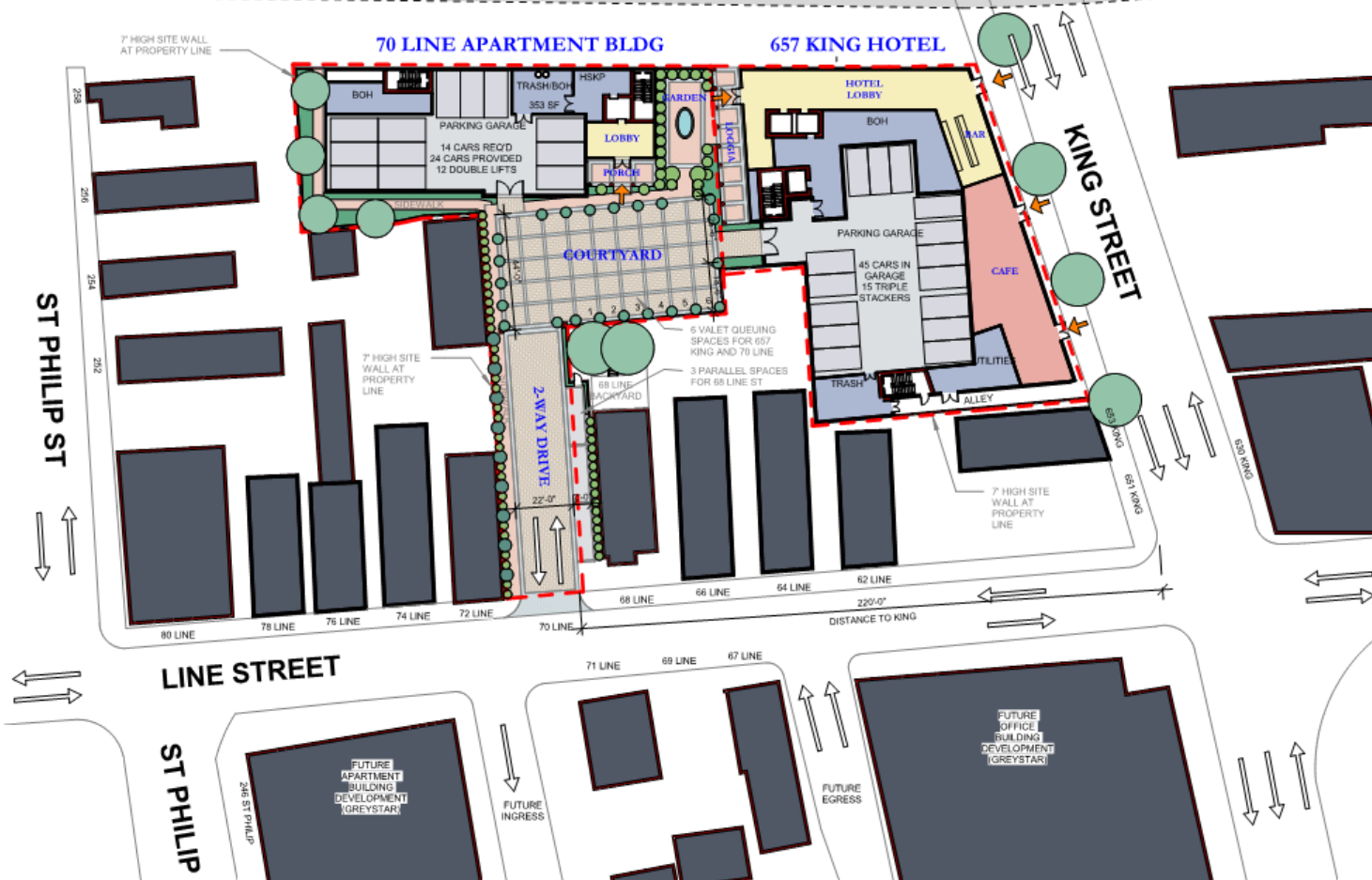
657 KING STREET

SITE PHOTOS

JULY 1, 2021

A07

HWY-17 / I-26 OVERPASS - AVERAGE HEIGHT 20'



SCALE: 1" = 40'-0"

LS3P

657 KING STREET

657 KING STREET

657 KING DEVELOPMENT SUMMARY

657 King is a 50 key boutique hotel. Amenities include a ground floor cafe and bar, meeting space and a rooftop pool, restaurant and bar. A BZA-2 Hotel Special Exception is required for this use. All parking is contained on-site. The building is 4 stories at King Street and 6 stories in the back. No rezoning or variances are needed.

ANTICIPATED CONSTRUCTION DURATION

SUMMER 2022 - WINTER 2023

HOTEL DATA

TOTAL CONDITIONED AREA - 56,882 SF
GARAGE AREA - 5,335 SF
GRAND TOTAL AREA - 62,217 SF

PROGRAM

50 HOTEL ROOMS
GROUND FLOOR BAR - 500 SF
ROOFTOP RESTAURANT AND BAR - 6,237 SF
TOTAL F&B WITH ALCOHOL - 6,737 SF (12% MAX ALLOWED)
GROUND FLOOR CAFE CAFE NOT SERVING ALCOHOL - 1,717 SF
MEETING SPACE - 2,000 SF (2,000 REQUIRED)

PARKING

HOTEL - 33.33 CARS REQUIRED (2 CARS PER 3 ROOMS)
HOTEL EMPLOYEES - 10 CARS REQUIRED (ESTIMATED 1 PER 5 ROOMS)
TOTAL - 44 CARS REQUIRED, 45 PROVIDED

WORKFORCE HOUSING FEE CALCULATION

TOTAL GUESTROOM LEVELS - 42,812 SF
FEE - \$218,341 (\$5.10/SF)

70 LINE DEVELOPMENT SUMMARY

70 Line Street is a 9 unit apartment building. It is intended that the apartments will be utilized as short term rental units. The building is 6 stories on the eastern half and 3 stories on the western half. All parking is contained on-site. The property does not require any rezoning or variance for this use.

ANTICIPATED CONSTRUCTION DURATION

SUMMER 2022 - WINTER 2023

APARTMENT DATA

TOTAL CONDITIONED AREA - 22,697 SF
GARAGE AREA - 4,723 SF
GRAND TOTAL AREA - 27,420 SF

9 APARTMENT UNITS

PARKING

RESIDENTIAL - 14 (1.5 PER UNIT)
TOTAL - 14 CARS REQUIRED, 24 PROVIDED

VEHICLE CIRCULATION SUMMARY

It is intended that a majority of the vehicle access to the site will occur via King Street and Meeting Street. Vehicles will turn onto Line Street from either King or Meeting. A driveway at 70 Line Street will provide access to a shared motorcourt for both the apartment building and hotel.

The 657 King Street Hotel and the 70 Line Street Apartment Building will both have their required parking on their respective sites. Each building will have parking at the ground level in private parking garages and both will utilize mechanical parking stackers. A shared motorcourt will include 6 additional parking spaces provided for the purpose of queuing of vehicles. Residents and guests will park their vehicles in the queuing area. Valet staff will maneuver the vehicles to and from the queuing zone to their respective parking garages. In addition, 3 parallel parking spaces will be provided adjacent to the driveway for exclusive use by 68 Line Street.

SITE PLAN

JULY 1, 2021

A20

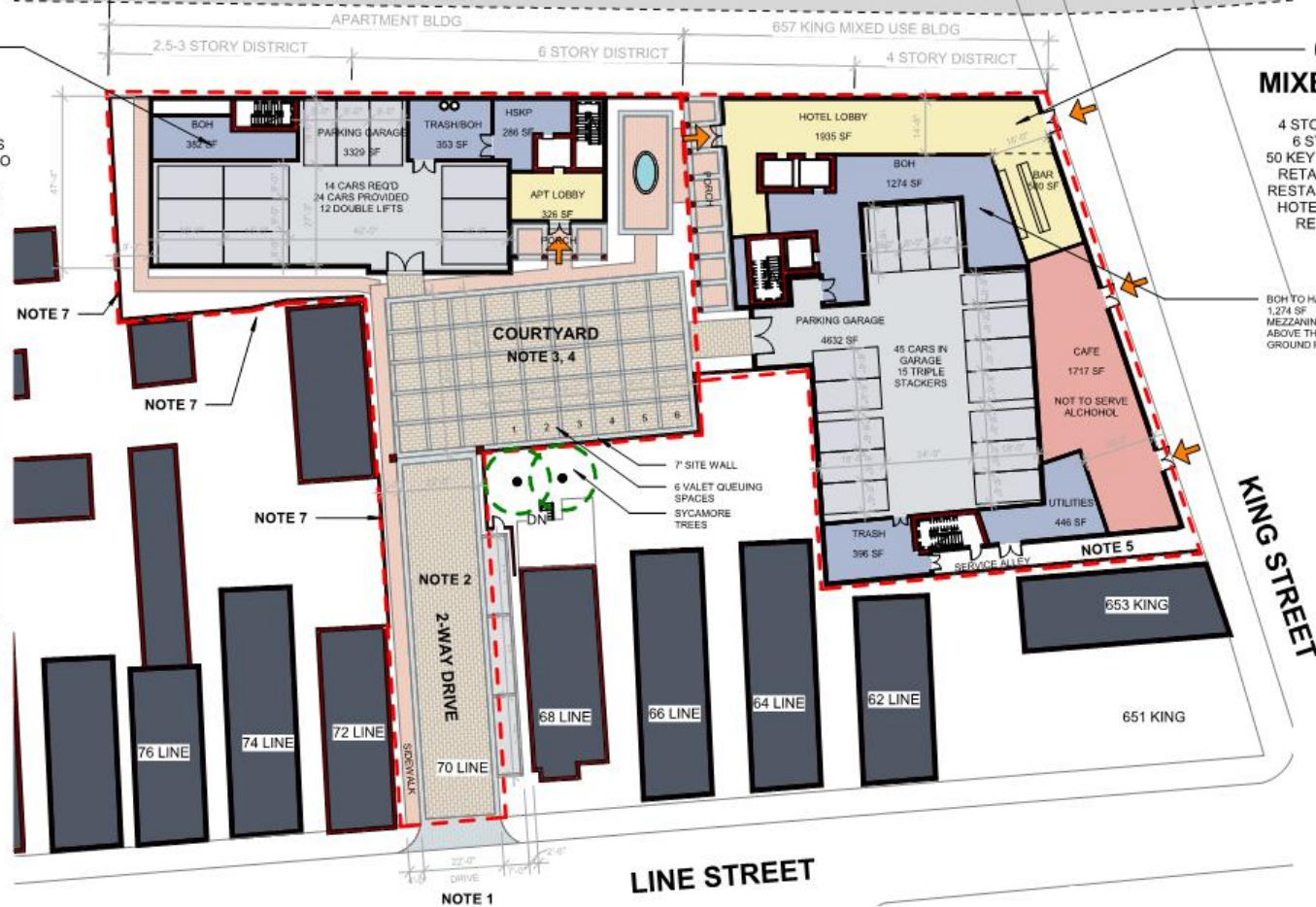
OVERPASS
AVERAGE HEIGHT 20'

70 LINE
APT BLDG

6 STORIES AT EAST END
3 STORIES AT WEST END
9 APARTMENTS TO BE USED AS
SHORT TERM RENTAL UNITS. NO
VARIANCES OR REZONING
REQUIRED FOR 9 UNITS. THIS
BUILDING IS NOT IN THE BAR
PURVIEW.

SITE PLAN NOTES

- NOTE 1** - Due to tight site constraints the 2-way driveway will be 22' wide rather than the typical 24' wide.
- NOTE 2** - An access easement is to be provided by 70 Line Street to both 68 Line Street and 657 King Street.
- NOTE 3** - An access easement is to be provided by 70 Line Street to 657 King for use of the motorcourt.
- NOTE 4** - 6 parking spaces will be used for queuing for both 657 King and 70 Line. Both projects feature valet parking within their respective parking garages.
- NOTE 5** - Trash service for 657 King to occur at service alley at southern property line. A 7' high site wall will be built at southern property line to help with privacy.
- NOTE 6** - Trash service for 70 Line to occur at Line Street.
- NOTE 7** - A 7' high privacy wall will be built at the western and southern property lines to help with privacy.



657 KING
MIXED USE BLDG

4 STORIES AT KING STREET
6 STORIES IN THE BACK
50 KEY HOTEL, GROUND LEVEL
RETAIL AND BAR, ROOFTOP
RESTAURANT AND BAR. BZA-Z
HOTEL SPECIAL EXCEPTION
REQUIRED FOR HOTEL

BOH TO HAVE A
1,274 SF
MEZZANINE 10'
ABOVE THE
GROUND FLOOR



SCALE: 1" = 30'-0"

LS3P

657 KING STREET

657 KING STREET

GROUND FLOOR PLAN

JULY 1, 2021

A21



657 KING STREET

657 KING STREET

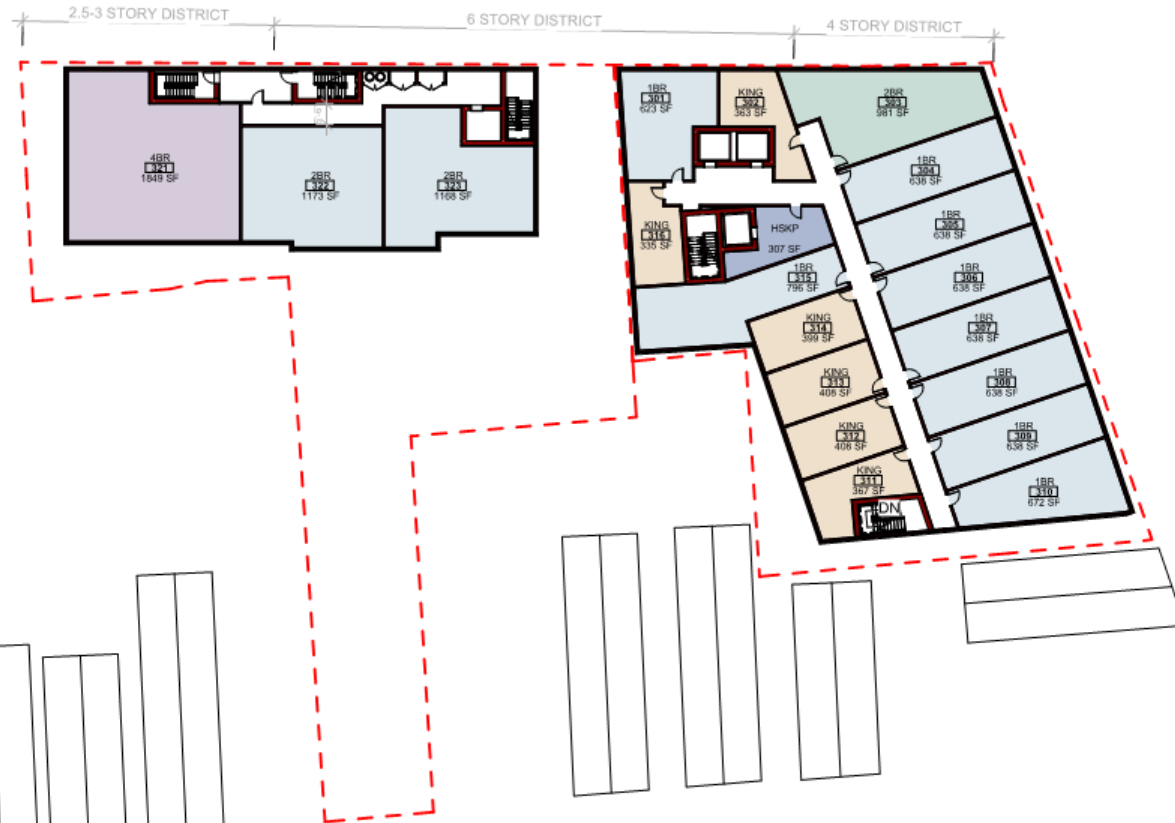
2ND FLOOR PLAN

JULY 1, 2021

A22

APARTMENT BUILDING
GROSS AREA - 6,010 SF PER FLOOR
3 UNITS PER FLOOR

HOTEL BUILDING
GROSS AREA - 12,251 SF PER FLOOR
16 KEYS PER FLOOR



Rectangular Snip

SCALE: 1" = 30'-0"



657 KING STREET

657 KING STREET

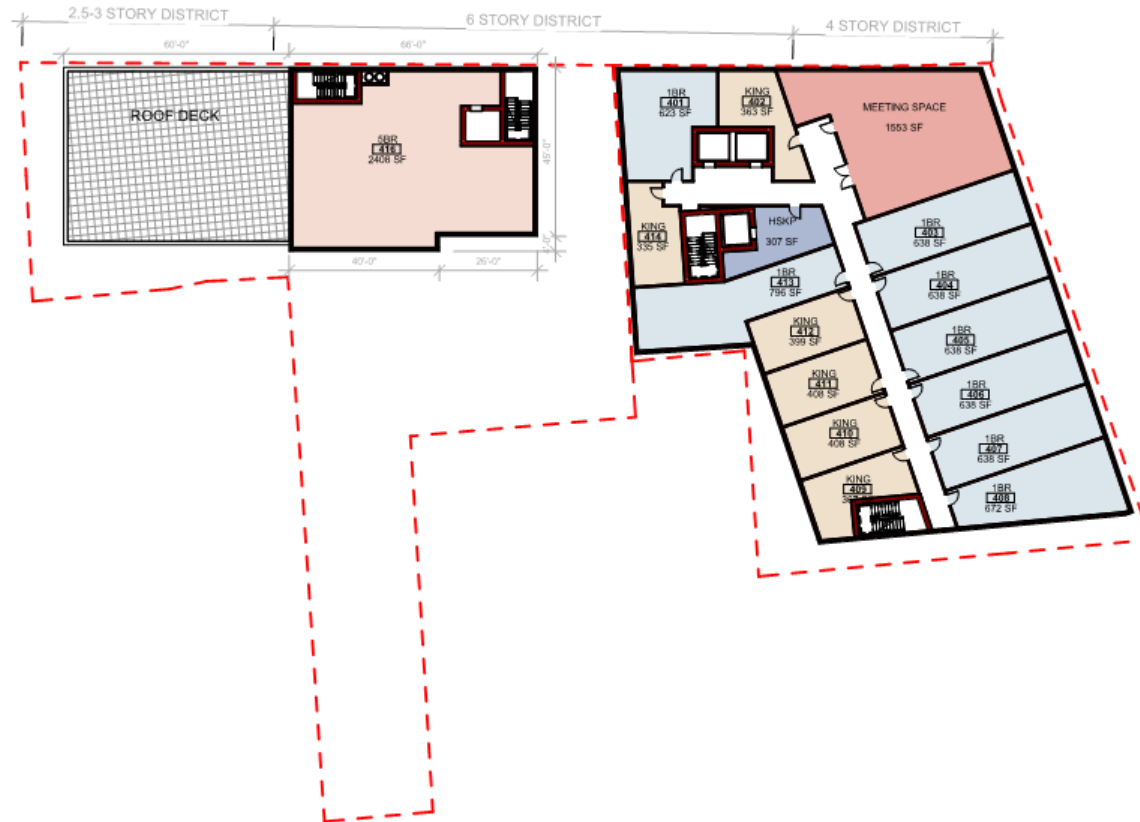
3RD FLOOR PLAN

JULY 1, 2021

A23

APARTMENT BUILDING
GROSS AREA - 3,130 SF PER FLOOR
1 UNITS PER FLOOR

HOTEL BUILDING
GROSS AREA - 12,251 SF PER FLOOR
14 KEYS PER FLOOR



Rectangular Strip

SCALE: 1" = 30'-0"



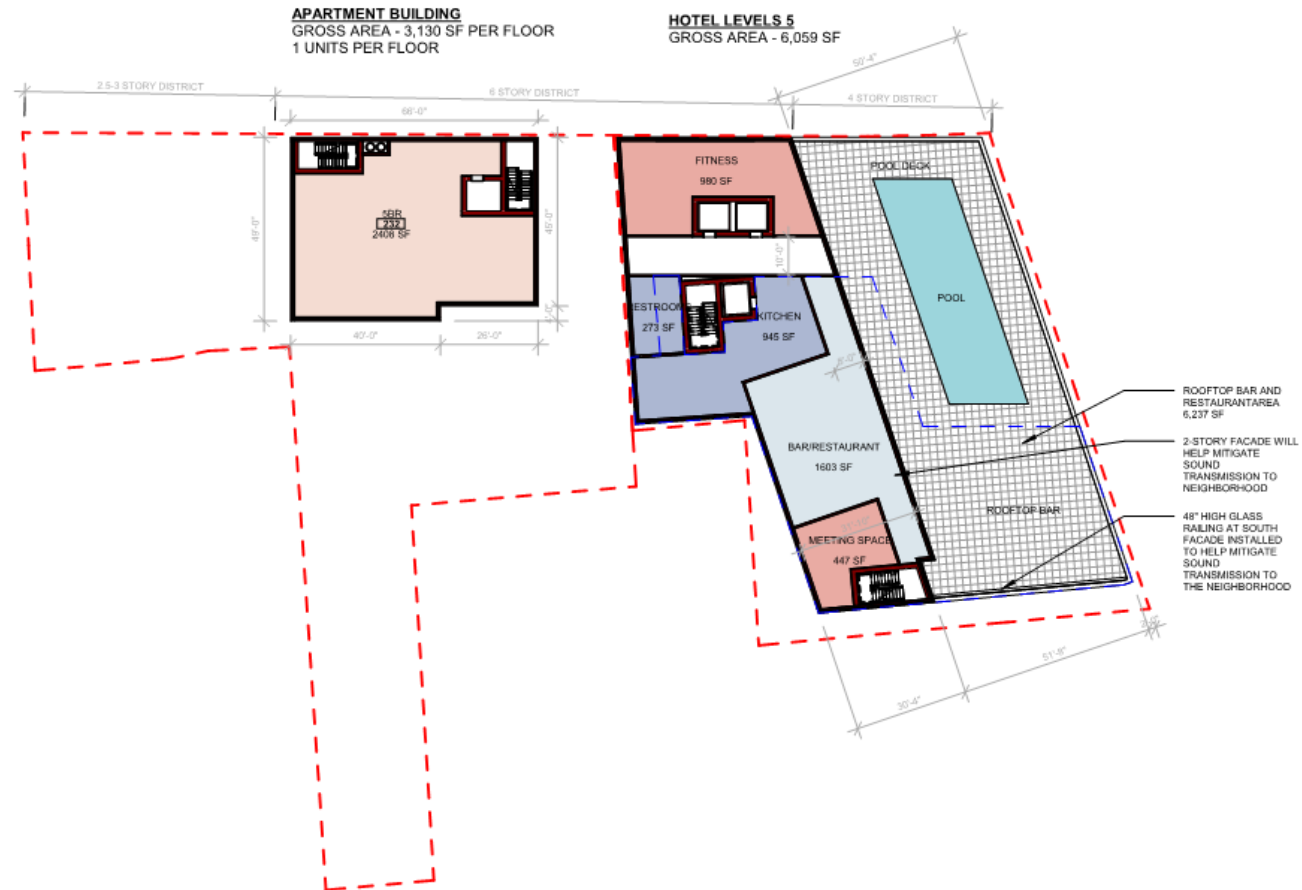
657 KING STREET

657 KING STREET

4TH FLOOR PLAN

JULY 1, 2021

A24



SCALE: 1" = 30'-0"



657 KING STREET

657 KING STREET

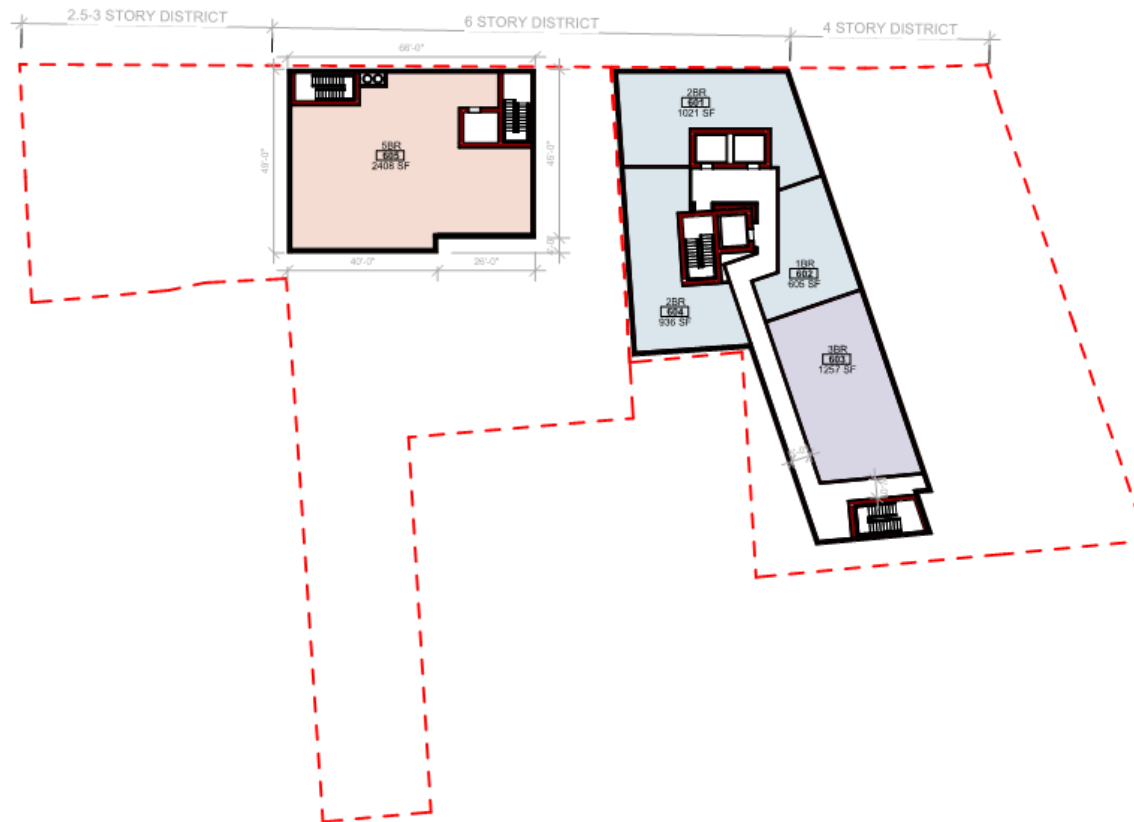
5TH FLOOR PLAN

JULY 1, 2021

A25

APARTMENT BUILDING
GROSS AREA - 3,130 SF PER FLOOR
1 UNITS PER FLOOR

HOTEL LEVELS 6
GROSS AREA - 6,059 SF



Rectangular Snip

SCALE: 1" = 30'-0"

LS3P

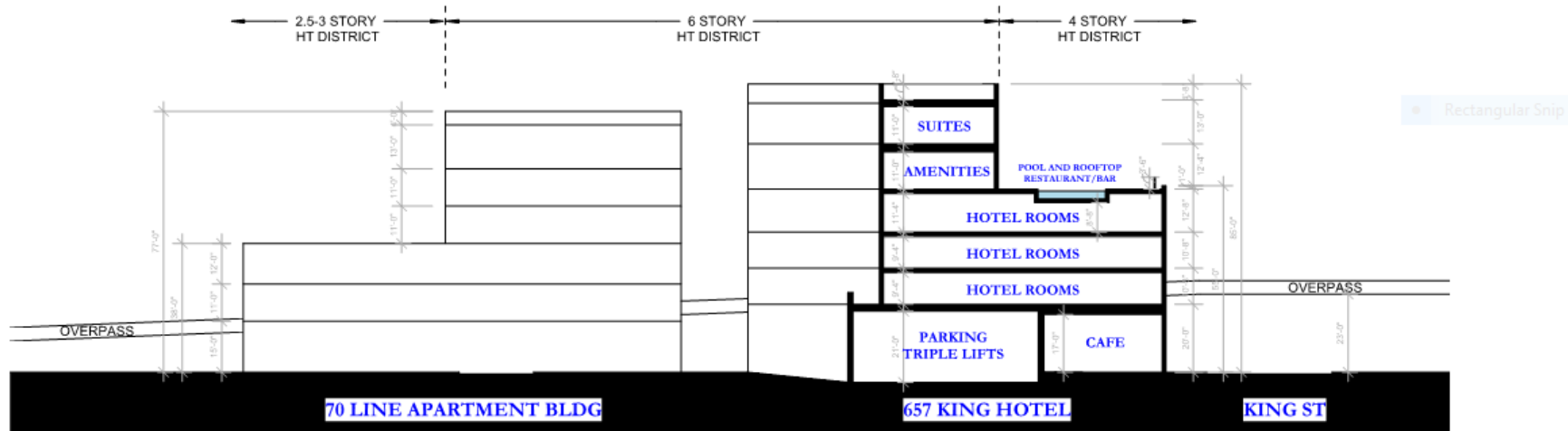
657 KING STREET

657 KING STREET

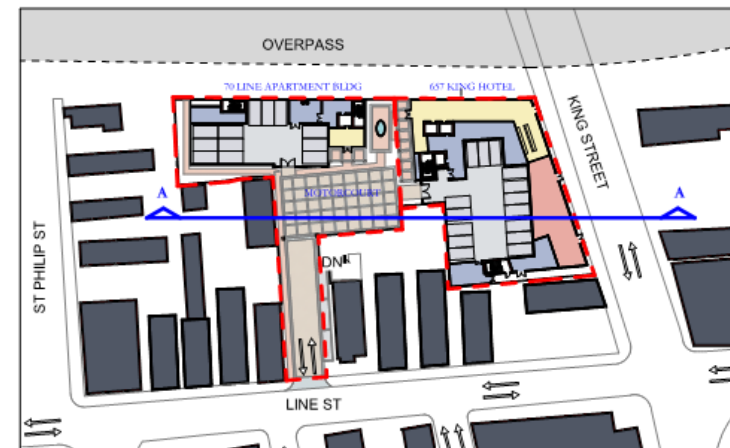
6TH FLOOR PLAN

JULY 1, 2021

A26



SITE SECTION A-A
SCALE - 1"=30'





SUMMARY

1. **ZONING CONFORMANCE** - The proposed 50 room hotel fulfills all of the 20 requirements of the City of Charleston Accommodations Special Exception Test.
2. **GOOD FOR PEOPLE** – A vibrant mixed use development will be created which will fill in a ‘missing tooth’ along King Street.
3. **GOOD FOR CARS** - The site is easily accessible from Line Street which will minimize traffic impacts to the neighborhood. The hotel drop-off, pick up and parking are contained entirely on site.
4. **AFFORDABLE HOUSING** - The project will contribute over 200 Thousand Dollars to the City of Charleston Affordable & Workforce Housing Fund.

EXCERPTS FROM THE HOTEL SOCIAL EXCEPTION TEST RESPONSE

The proposed development will not displace any housing units, office space or retail space.

Access to the site will be handled on King and Line which will limit the amount of cars travelling through the Cannonborough-Elliottborough Neighborhood.

This building is a mixed-use project. It will be constructed within an area that is experiencing a renaissance of development. There is over one million square feet of development occurring in the immediate area that includes office, retail, restaurant and residential. However, there are no hotels currently planned in the immediate area. Therefore, the insertion of this hotel will contribute to the mixed-use district.

The proposed hotel design is within the allowable F&B square footage. The ground floor bar and 5th floor bar and restaurant are below 12% of the conditioned area of the building. There is an additional café at the ground floor which is below 2,000sf and that will not serve alcohol.

The hotel has a dedicated motorcourt that is accessed from Line Street. This motorcourt is outside of the public right-of-way and has 6 queuing spaces for guests. Valet staff will park cars within the parking garage. All of this is handled outside of the public right-of-way.

The proposed development will not share buildings, structures, facilities or operations with another accommodations use.

The proposed development will contain the 2,000 sqft of meeting and conference space which is required for a 50 unit hotel. The 4th floor meeting space contains over 1,500sf of contiguous meeting space fulfilling the 75% requirement.

The design includes 43,812sf of area dedicated to sleeping units and hallways adjacent to sleeping units. Therefore, the applicant will contribute \$218,341 to the City of Charleston Affordable/Workforce Housing Account.

The project has 50 sleeping units, therefore 34 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will occur in the evenings. Of those 20 employees we expect 50% or 10 employees to drive single occupant vehicles to the hotel. Therefore a total of 44 parking spaces are needed for this project. The design includes a total of 45 parking spaces.

**See attached special exception narrative for complete response to 20 point test.*

Agenda Item #B-6

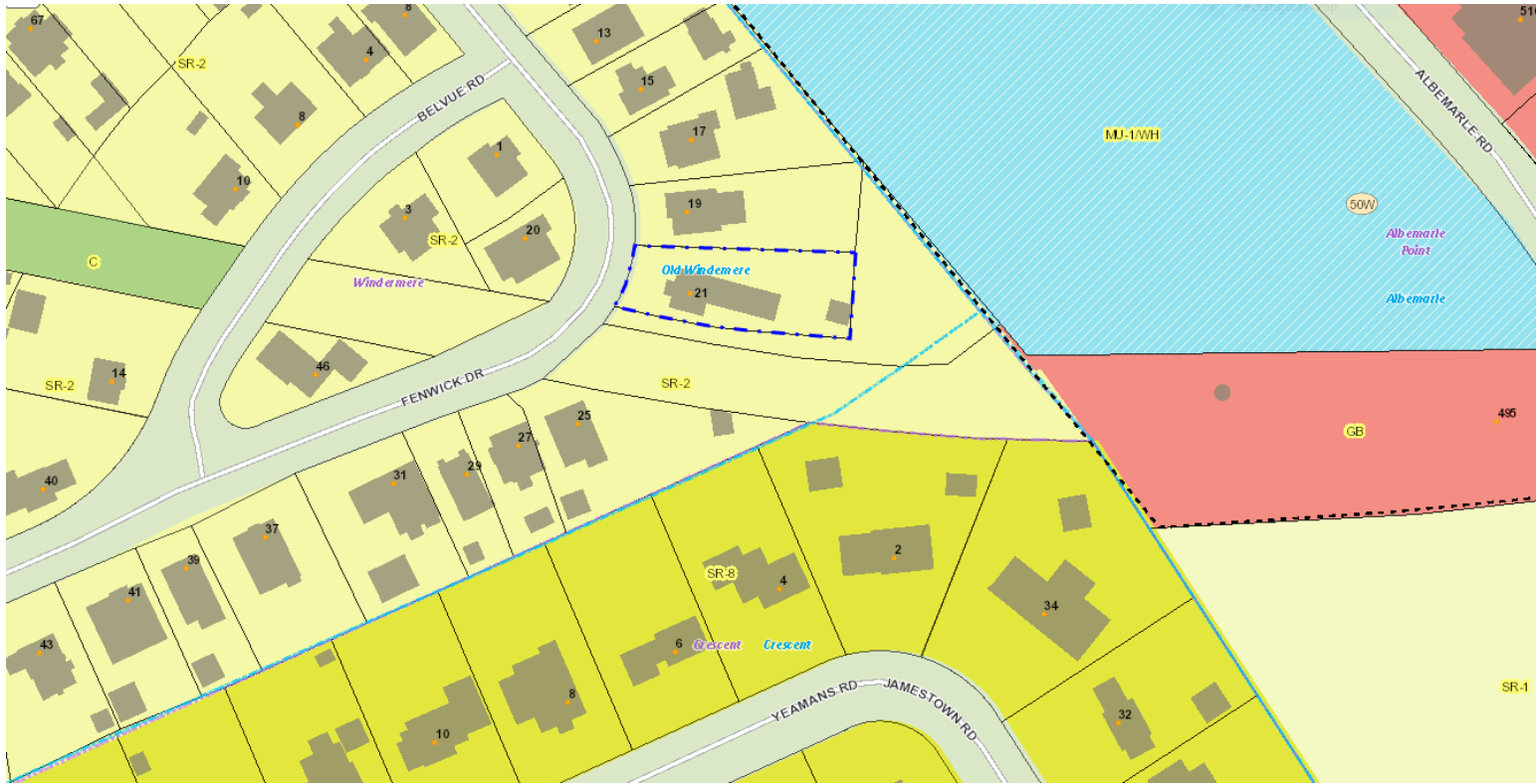
21 FENWICK DRIVE
(OLD WINDEMERE)

Request special exception under Sec. 54-110 to allow a horizontal expansion (1-story porch addition) and vertical expansion (bedrooms/closets/baths/family room/laundry room) to a non-conforming building footprint that extends a non-conforming 0-ft. south side setback (9-ft. required).

Zoned SR-2









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: August 3, 2021

Property Address 21 Fenwick Drive, Charleston, SC 29407 TMS # 4211100015

Property Owner David Dick Daytime Phone 502-419-2360

Applicant David Dick Daytime Phone 502-419-2360

Applicant's Mailing Address 21 Fenwick Drive, Charleston, SC 29407

E-mail Address davedick02@gmail.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property SR-2

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant David Dick Date 7/2/21

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Request Special Exemption pursuant to 54-110 to extend the non-conforming side set back on the south side
for new front porch. The request is limited to extending the non-conforming use now in existence and would
not result in an unreasonable intensification of the non-conforming use. Additionally, there is no neighbor
on the south side as the property is located adjacent to the greenway.

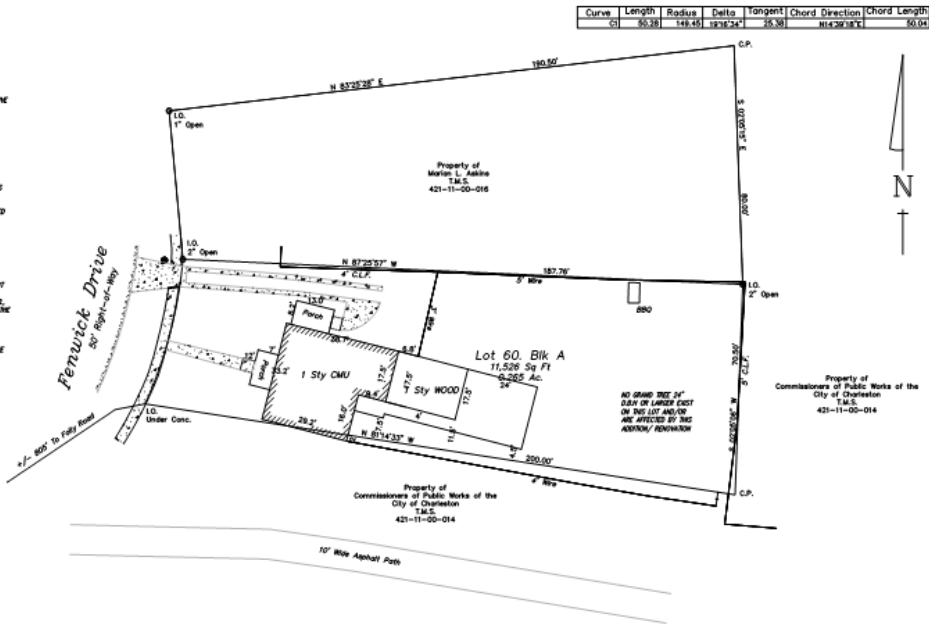
All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.





- I.O. IRON PIN OLD
- I.M. IRON PIN NEW (5/8 REBAR)
- CONCRETE MONUMENT FOUND
- C.P. CALCULATED POINT
- POWER POLE
- LIGHT POLE
- PROPERTY LINE
- ADJACENT LINE
- FENCE LINE
- OVERHEAD UTILITY LINE
- EASEMENT LINE

- 1.) ANYTHING SHOWN OUTSIDE THE DEDINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
- 2.) AREA DETERMINED BY COORDINATE METHOD.
- 3.) THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM - NAD83.
- 4.) THE PRESENCE OR ABSENCE OF U.S. ARMY CORP OF ENGINEERS ANTI-AIRCRAFT WEAPONS IS UNDERTAKEN AS OF THE DATE OF THIS SURVEY.
- 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY, AND IS NOT THE RESULT OF A TITLE SEARCH.
- 6.) THESE SURVEYS SHOWN HEREON ARE OUR OWN ONLY AND HAVE NOT BEEN REVIEWED BY A CERTIFIED ADVISOR PRIOR TO ANY DEVELOPMENT OR TREE REMOVAL. TREE SPICES SHALL BE REMOVED.
- 7.) THIS PROPERTY IS LOCATED IN FLOOD ZONE AE, ELEVATION 12.45 PER FEMA MAP COMMUNITY-PANEL NO. 455412 0013 & DATED 11/17/2004. IT IS THE OWNER'S RESPONSIBILITY TO NOTIFY THIS FLOOD ZONE WITH LOCAL AUTHORITIES PRIOR TO BUILDING.
- 8.) DECLARATION IS MADE TO THOSE PERSONS FOR WHOM THIS PLAT WAS PREPARED, IT IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS. THIS DRAWING/PLAT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF GEORGE J.S. JOHNSON, JR., INC. IT SHALL NOT BE REPRODUCED OR USED IN ANY WAY, WHOLLSALE, WITHOUT THE WRITTEN PERMISSION OF J. GEORGE JOHNSON, JR., INC. NO. 10000 COPYRIGHT © 2018, J. George Johnson
- 9.) USE OF UNPAID COPIES OF THIS DOCUMENT IN ANY COURT, FINANCIAL OR LAND TRANSACTION, OR FILING WITH ANY PUBLIC AGENCY OR OFFICE IS UNAUTHORIZED USE AND IS A VIOLATION OF FEDERAL COPYRIGHT LAWS.
- 10.) "SURVEY INSPECTIONS" OR "UPDATES" OF THIS MAP ARE PROHIBITED.
- 11.) THESE CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTRUMENTS OR SUBSEQUENT OWNERS.
- 12.) PARCEL ZONED DR-2 PER CITY OF CHARLESTON ZONING MAP.



1 SITE PLAN
SCALE: 1/32" = 1' - 0"

GENERAL NOTES

1. DESIGN ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED BY THE CONTRACTOR SHALL BE REPORTED PROMPTLY TO THE OWNER.
2. DO NOT SCALE DRAWINGS FOR MEASUREMENTS. USE ONLY GIVEN DIMENSIONS OR FIELD MEASUREMENTS. GIVEN DIMENSIONS ARE TO FACE OF STUD (FOS) OR CENTER LINE OF COLUMN, UNLESS NOTED OTHERWISE.
3. CONTACT THE OWNER FOR QUESTIONS OR CLARIFICATIONS CONCERNING THE DRAWINGS AND OTHER CONTRACT DOCUMENTS.
4. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH INTERNATIONAL RESIDENTIAL CODE 2015 AND ALL GOVERNING CODES AND ORDINANCES HAVING JURISDICTION OVER THIS PROPERTY.

PLAN NOTES

1. ALL WALLS ARE DRAWN USING NOMINAL DIMENSIONS. ALL WALLS 2-4 STUDS UNLESS NOTED OTHERWISE.



21 FENWICK DRIVE
21 FENWICK DRIVE
CHARLESTON, SC 29407

DATE: 29-MARCH-2018

REVISION

SITE PLAN

SHEET

S101

SIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE

COORDINATE METHOD.

HEREON ARE BASED ON THE SOUTH CAROLINA STATE PLANE
NAD83.

ZONE OF U.S. ARMY CORP OF ENGINEERS JURISDICTIONAL
WIND AS OF THE DATE OF THIS SURVEY.

A SURVEY BASED ON THE LISTED REFERENCES ONLY, AND IS
TITLE SEARCH.

HEREON ARE OUR OPINION ONLY AND HAVE NOT BEEN VERIFIED
YST. PRIOR TO ANY DEVELOPMENT OR TREE REMOVAL TREE
WDED.

ATED IN FLOOD ZONE AE, ELEVATION 12, AS PER FEMA MAP
455412 0513 J, DATED 11/17/2004. IT IS THE
PONSIBILITY TO VERIFY THIS FLOOD ZONE WITH LOCAL
BUILDING.

TO THOSE PERSONS FOR WHICH THIS PLAT WAS PREPARED, IT
TO SUBSEQUENT OWNERS. THIS DRAWING/PLAT IS AN
3" AND IS THE SOLE PROPERTY OF GEORGE A.Z. JOHNSON, JR.
REPRODUCED OR USED IN ANY WAY, WHATSOEVER, WITHOUT THE
F.F. STEVEN JOHNSON, PLS, SC REG No. 10038.
Steven Johnson

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G WITH ANY PUBLIC AGENCY OR OFFICE IS UNAUTHORIZED USE
F FEDERAL COPYRIGHT LAWS.

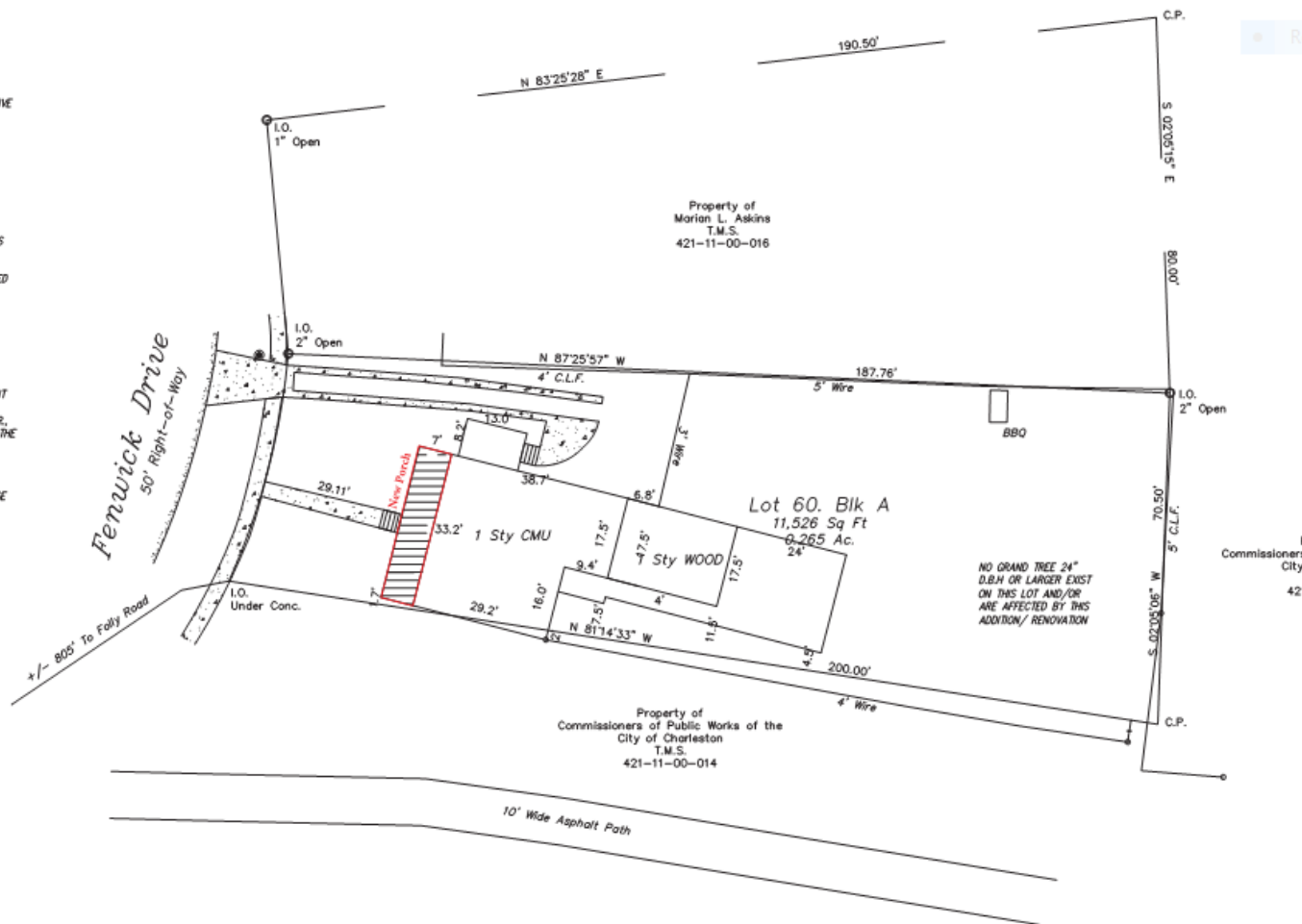
OR "UPDATES" OF THIS MAP ARE PROHIBITED.

ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR

PER CITY OF CHARLESTON ZONING MAP.

P

Fenwick Drive
50' Right-of-Way



1 SITE PLAN

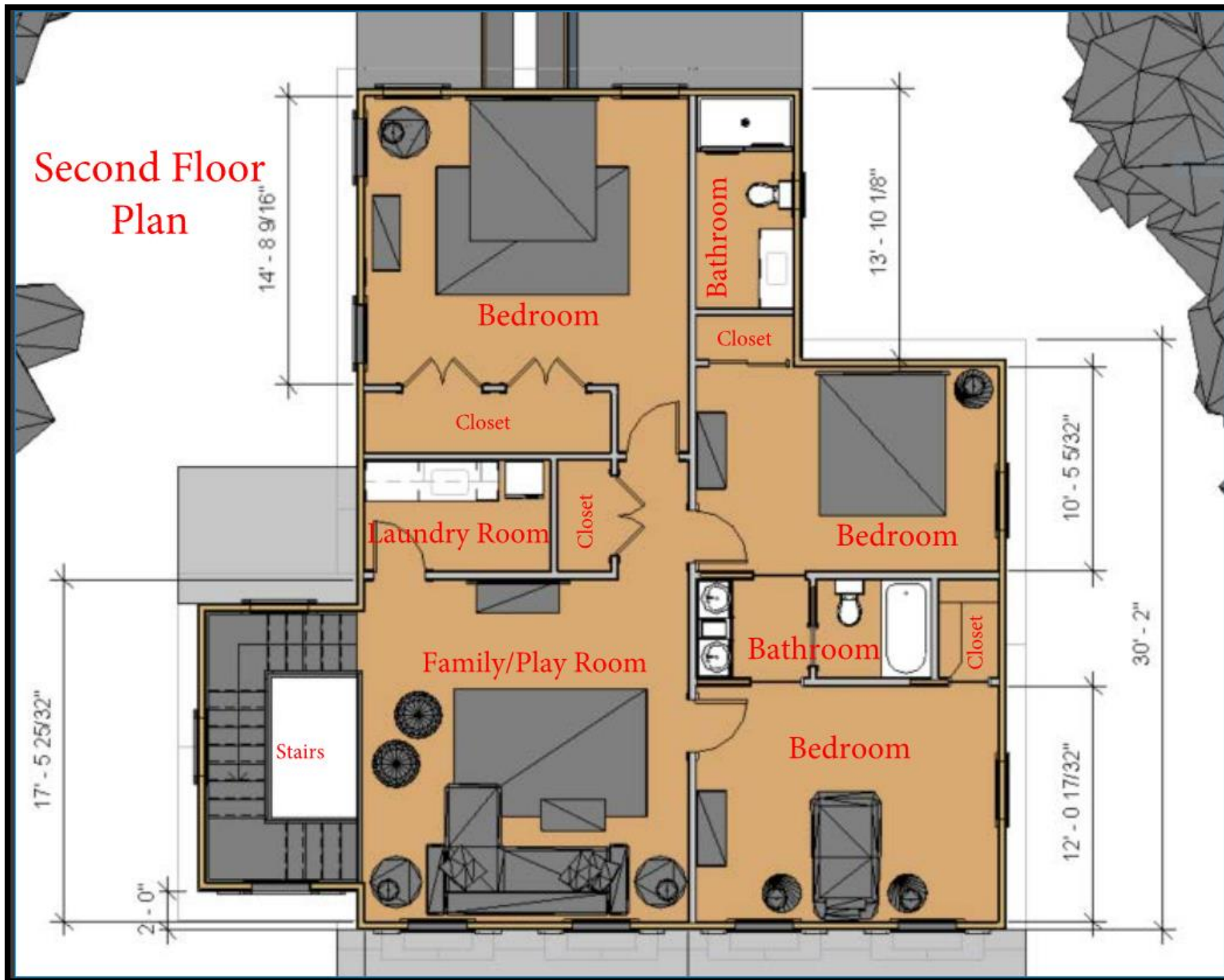
SCALE: 1/32" = 1' - 0"

0 2 4

FIRST FLOOR PLAN

A101

Second Floor Plan



Rectangular Ship



East Elevation



West Elevation

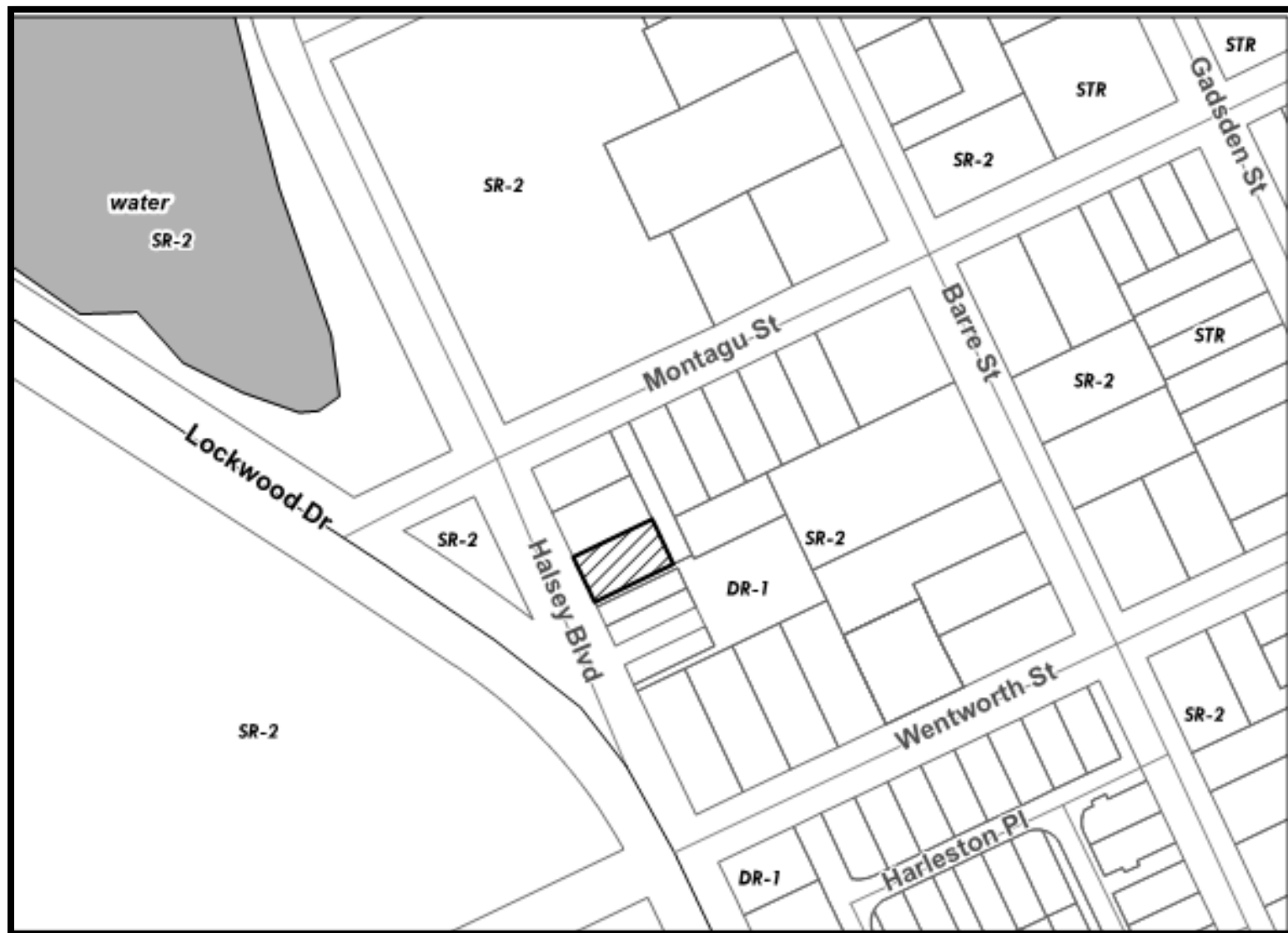


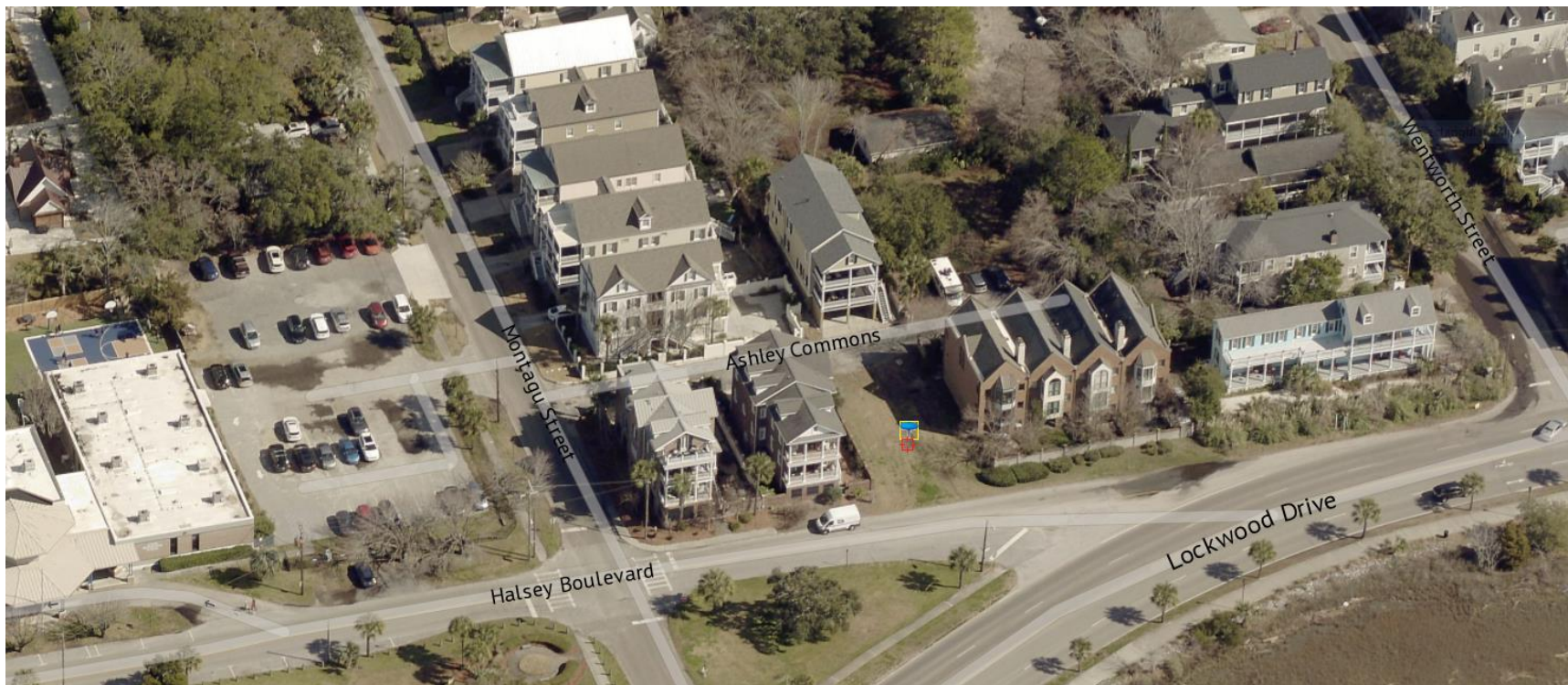
Agenda Item #B-7

42 HALSEY BOULEVARD
(HARLESTON VILLAGE)
TMS # 457-03-03-169

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 7.4-ft. south side setback, a 10.3-ft. total side setback, having a 44% lot occupancy (9-ft., 15-ft. required, 35% limitation).

Zoned DR-1









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: AUGUST 3, 2021

Property Address 42 HALSEY BLVD TMS # 457-03-03-169

Property Owner LINDSAY COLBERT AND GARRETT VOEGELI Daytime Phone _____

Applicant AJ ARCHITECTS Daytime Phone 843.810.0029

Applicant's Mailing Address 538 KING ST, CHARLESTON SC 29403

E-mail Address ashley@ajarch.net

Relationship of applicant to owner (same, representative, prospective buyer, other) architect

Zoning of property DR-1

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 7.2.21

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

see letter attached

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

aj architects

Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 42 Halsey Blvd

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 42 Halsey Blvd. My clients have purchased this vacant lot and would like to build a single family residence. The lot is zoned DR-1, is fronted by Halsey Blvd and has alley-way access from Wasbee Range in the rear. This area is in a flood zone and the new house must be elevated at least 8'-0" above grade. A 10'-0" rear-yard utility easement must be maintained. So, the proposed design will require the following Zoning approvals:

VARIANCE:

•**Construction of a single family residence with non-conforming s/w side-yard setbacks.**

Ordinance requires a minimum n/e side-yard setback of 9'-0" (12'-0" combined) and the proposed structure encroaches into the combined setback 5'-2" with an exterior stair element.

•**Construction of a single family residence that exceeds maximum lot coverage.**

The proposed house occupies 44% of the lot, which exceeds the ordinance maximum of 35%.

With regards to the variance test, this property is unique, and has several factors that are driving the design:

- The flood zone - elevating a structure a full story requires access from grade with a large exterior stair. This stair is the element that creates the side yard encroachment and also affects the total footprint size.
- Rear utility easement - the rear easement limits the length of the structure to work within side yard setbacks.
- Dual access - having street frontage on both the east and west sides of the lot creates a duality that must be addressed from a design perspective, limiting placement of mechanical units and other functional elements.

While these conditions do apply to other properties in the neighborhood, many have exceeded lot coverage and have encroached into setbacks. We do not believe that the proposed design will impact immediate neighbors negatively, since the n/e side yard setback is being maintained. We believe this is a reasonable request.

Thank you for your consideration,



Ashley Jennings

of drawings property of a architect,
 if no application without the express
 authorization of a architect.
 i.e. is forbidden.

j architects

PREVIOUS APPROVALS:
NONE



538 KING STREET
CHARLESTON, S.C.
29403
843-577-7030 phone
843-577-8040 fax

residence
42 HALSEY BLVD
CHARLESTON, SC

DESIGNED

D R A W N

C H E C K E D

7/2/2025

1000

11/11/2017

0.000000

1000

LOCATION MAP (n.t.s)

NOTES:

1. AREA DETERMINED BY COORDINATES.
2. THIS PROPERTY LIES IN FLOOD ZONE 'AE 12' AS SHOWN ON FEMA MAP 45019C0514K DATED 01-29-21.
- 3) THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANY EASEMENTS OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCED PLATS AND DEEDS MAY NOT BE SHOWN ON THIS SURVEY.
- 4) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH TO PERFORM THE REQUESTED SERVICES. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
- 5) NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- 6) DISTANCE SHOWN ON MAP ARE HORIZONTAL GROUND DISTANCES.
- 7) DATE OF FIELD SURVEY FEB. 4, 2021.
- 8) THERE ARE NO TREES LOCATED ON LOT A-13.
- 9) HORIZONTAL DATUM IS NAD83(2011) S.C STATE PLANE COORDINATES, VERTICAL DATUM IS NAVD 1988.

LEGEND:

- IPS - IRON SET (5/8" REBAR UNLESS OTHERWISE NOTED)
- IPF - IRON FOUND (5/8" REBAR UNLESS OTHERWISE NOTED)
- CMF - CONCRETE MONUMENT FOUND
- = SIGN
- ☆ = LIGHT POLE
- ⊗ = FIRE HYDRANT
- ⊗ = WATER VALVE
- ⊗ = WATER METER
- ⊗ = WATER WELL
- ⊗ = SANITARY MANHOLE
- ⊗ = POWER POLE
- ⊗ = STORM MANHOLE
- = ADJACENT PROPERTY LINE

I, Matthew E. McBeath, a Professional Land Surveyor in the State of South Carolina, hereby state that to the best of my knowledge, information and belief, the survey herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A Survey as specified therein, also there are no visible encroachments or projections other than shown. Witness my original signature and license number and seal on this day the 20th day of February 2021.

Matthew E. McBeath
Matthew E. McBeath
1500 Huxley Drive Mount Pleasant, South Carolina 29466
Telephone (843) 856-1277

2. CITY OF CHARLESTON
CHARLESTON COUNTY, S.C. PLAT
SHOWING THE RESUBDIVISION OF
LOTS A-11 THROUGH A-14 ASHLEY
COMMONS DATED DECEMBER 9, 1999
BY E.M. SEABROOK, JR., INC. AND
RECORDED AT THE CHARLESTON
COUNTY RMC IN PLAT BOOK DC
PAGE 273.

TMS 457-03-03-168
LOT A-12
GLORIA UNION SMITH
DEED BOOK 0144 PG. 974
PLAT BOOK DC PG. 273

TMS 457-03-03-169
LOT A-13
3906 SQ. FT. 0.09 ACRE
STUART D. & ROBIN C. REEVES
DEED BOOK B579 PG. 317
PLAT BOOK DC PG. 273

TMS 457-03-03-141
ROBERT P. & ANNE S. FLYNN
DEED BOOK 0098 PG. 534
PLAT BOOK BH PG. 157

TMS 457-03-03-036
ASHLEY COMMONS
TOWNHOMES OWNERS
ASSOCIATION INC
DEED BOOK B306 PG. 157
PLAT BOOK EC PG. 239

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

DRAWN BY:
MEM
CHECKED BY:
MEM
DATE
2-20-2021
JOB # 21010
SCALE:
1"=10'

DATE	REVISION	BY

PREPARED FOR:
CKC PROPERTIES LLC

CHARLESTON COUNTY
SOUTH CAROLINA

BOUNDARY TOPOGRAPHIC TREE SURVEY OF
LOT A-13 ASHLEY COMMONS
CITY OF CHARLESTON

42 HALSEY BLVD. TMS 457-03-03-169

SHEET
1 OF 1

EAST COOPER LAND SURVEY

PROFESSIONAL LAND SURVEYORS
1500 HUXLEY DRIVE MOUNT PLEASANT, SOUTH CAROLINA 29466
OFFICE (843) 856-1277 E-MAIL MEMCBEATH@EASTCOOPERLANDSURVEY.COM





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dj architects
Angular Space



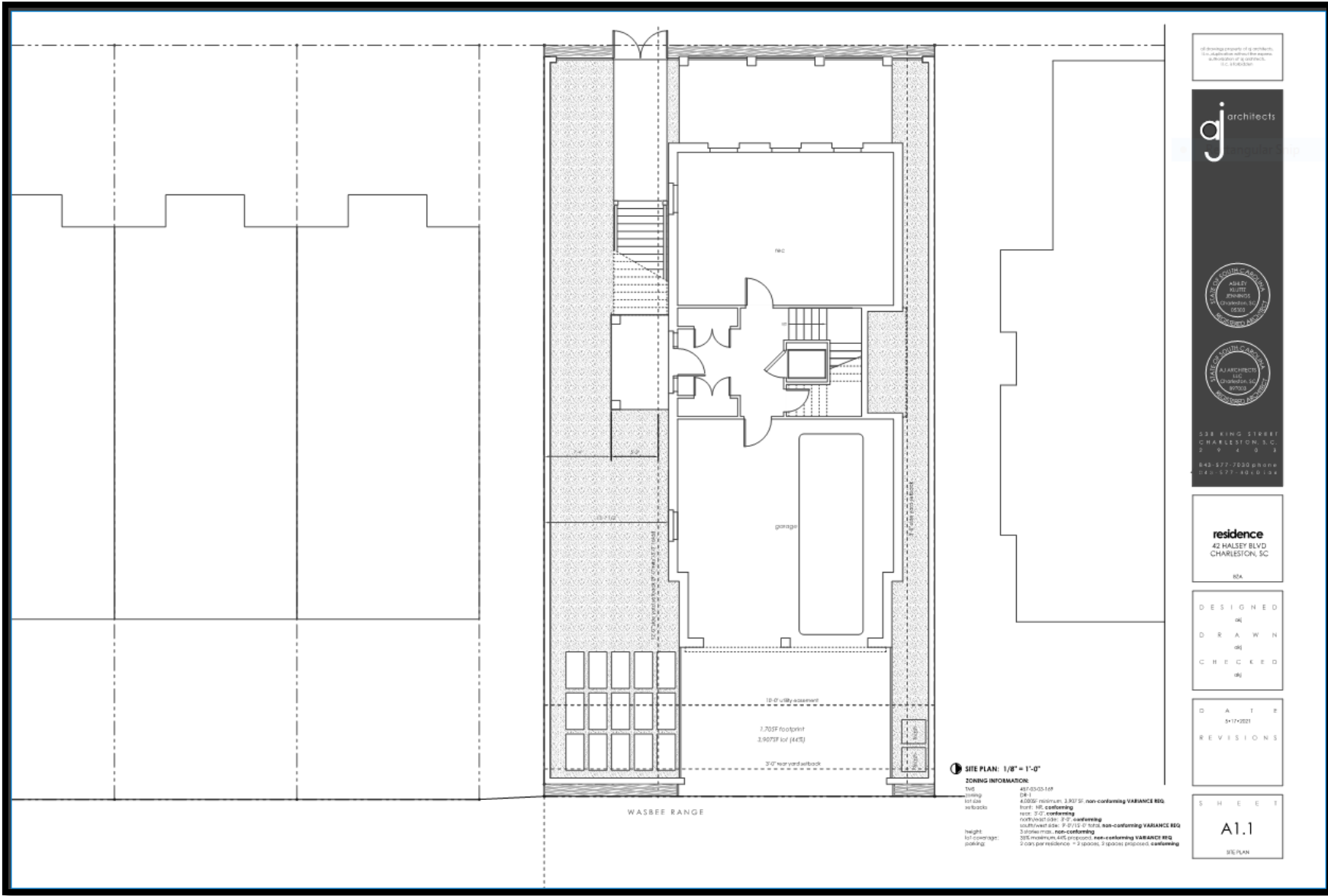
528 KING STREET
CHARLESTON, S.C.
29403
843.577.7020 PHONE
843.577.7043 FAX

residence
42 HALSEY STREET
CHARLESTON, SC
29403

DESIGNED
(dj)
DRAWN
(dj)
CHECKED
(dj)

A T P
5/17/2017
REVISIONS

H E E T
A1.0
CONCEPT PLAN



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publication of all drawings
t.c. shubert

g.j. architects
architectural firm



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29403
843.577.7533
843.577.4343 FAX

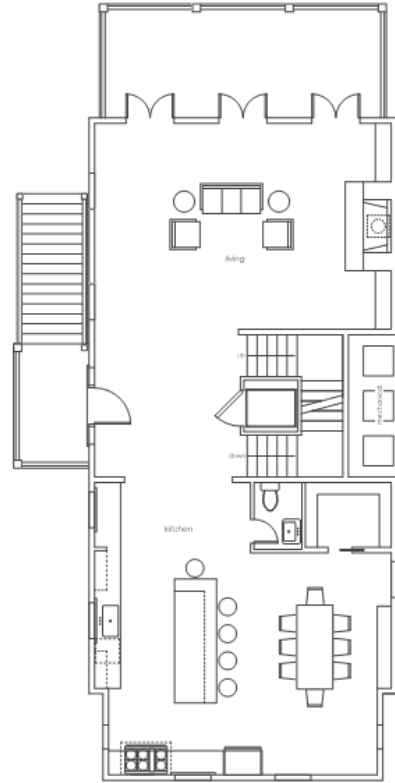
residence
42 HALSEY BLVD
CHARLESTON, SC
80A

DESIGNED
(AK)
DRAWN
(AK)
CHECKED
(AK)

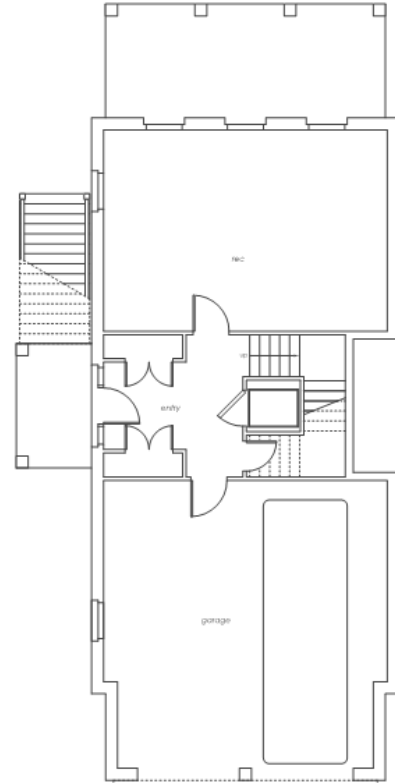
D A T E
3/17/2021
REVISIONS

S H E E T
A1.1
SITE PLAN

1 SITE PLAN: 1/8" = 1'-0"
ZONING INFORMATION
TWD 497-05-05-168
D4.1
A.0005 minimum 3,937 SF, non-conforming VARIANCE REQ.
front 10' conforming
rear 3'0" conforming
northwest side 0'0" conforming
southeast side 0'0" 0'0" total non-conforming VARIANCE REQ.
height 3 stories max. non-conforming
lot coverage 35% maximum, all proposed non-conforming VARIANCE REQ.
parking 2 cars per residence - 2 spaces, 2 spaces proposed, conforming



first floor plan: 1/4" = 1'-0"



ground floor plan: 1/4" = 1'-0"

all drawings are property of gj architects,
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gj architects, inc. 10/10/2010

gj architects
10/10/2010

STATE OF SOUTH CAROLINA
ABILET
REGISTERED
PROFESSIONAL
ARCHITECT
10/10/2010

STATE OF SOUTH CAROLINA
AIA ARCHITECT
10/10/2010
10/10/2010

538 KING STREET
CHARLESTON, S.C.
29403

843-577-7030 phone
843-577-8040 fax

residence
42 HALSEY BLVD
CHARLESTON, SC

80A

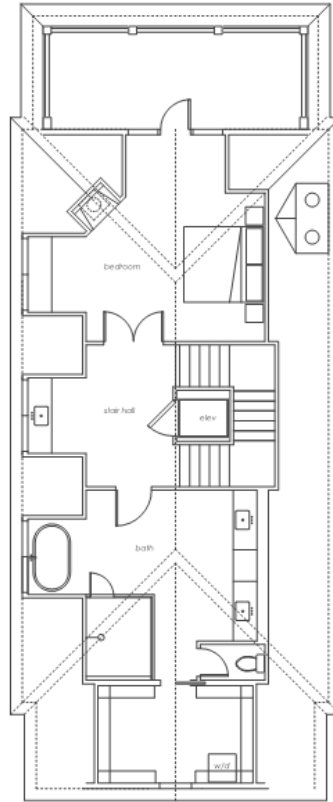
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BY
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BY

DATE
7/2/2011
REVISIONS

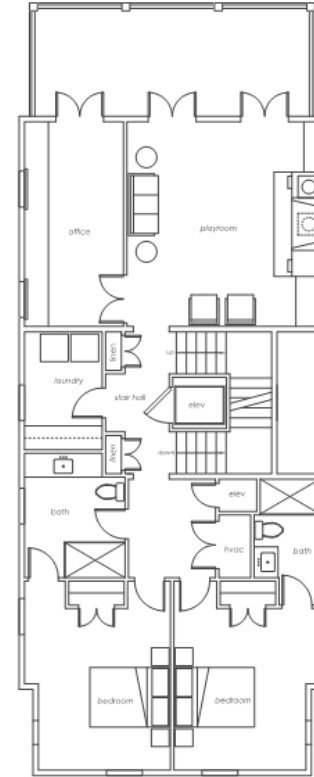
S H E E T

A3.1

FLOOR PLANS



attic plan: 1/4" = 1'-0"



second floor plan: 1/4" = 1'-0"

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inc. unless otherwise stated.

g.j. architects
angular design



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29403-4003
843.577.7530 phone
843.577.8041 fax

residence
42 HALSETT BLVD
CHARLESTON, SC
29405

DESIGNED
DWG
DRAWN
DWG
CHECKED
DWG

DATE
7/2/2021
REVISIONS

SHEET
A3.2
FLOOR PLANS



north elevation: 1/4" = 1'-0"



east (wasbee range) elevation: 1/4" = 1'-0"

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dj architects
angular slip



328 KING STREET
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29403
843.577.7855 PHONE
843.577.8401 FAX

residence
42 HALSEY BLVD.
CHARLESTON, SC
29405

DESIGNED
(AK)
DRAWN
(AK)
CHECKED
(AK)

DATE
7-29-2020

REVISIONS

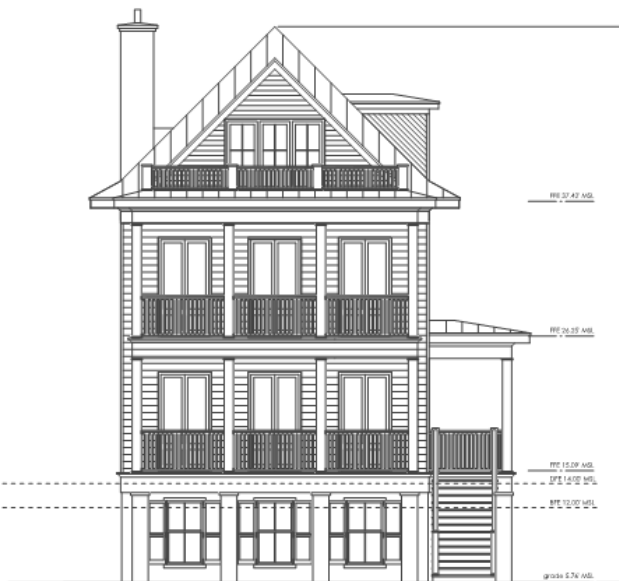
SHEET

A4.1

ELEVATIONS



south elevation: 1/4" = 1'-0"



west (halsey blvd) elevation: 1/4" = 1'-0"

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c/o architect

g architects
angular ship



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CHARLESTON, S.C.
29403

843.577.7533 PHONE
843.577.8800 FAX

residence
42 HALSEY BLVD
CHARLESTON, SC

NOA

DESIGNED
(g)
DRAWN
(g)
CHECKED
(g)

DAT: 7/2/2021

REVISIONS

SHEET

A4.2

ELEVATIONS

Lindsay,

This is a cope of a latter we sent to the Board. We are looking forward to having you as a neighbor.

25 July 2021

To: Board of Zoning Appeals- Site Design
2 George Street
Charleston SC 29401

Regarding : 42 Halsey Blvd. Lot Coverage Variance Support Letter

From: Gloria Smith and Norman Smith
44 Halsey Blvd,
Charleston SC 29401.

We have been asked to give an opinion about plans for a house directly adjacent to us on 42 Halsey Blvd. by Lindsay Colbert. Lindsay has provide us with house plans and a drawing of how the proposed house is situated on the lot. If you are standing on Halsey Blvd our house will be to the immediate left of the proposed house. We have no objection to the house plan or the size of the house in proportion to the lot or the location of the proposed house on the lot. We perceive it as an addition or positive thing for our neighborhood.

Norman Smith

Gloria Smith

Cell 478-972 1113
NormanGeorgia@aol.com

--

Lindsay A. Colbert
(607) 227-8069

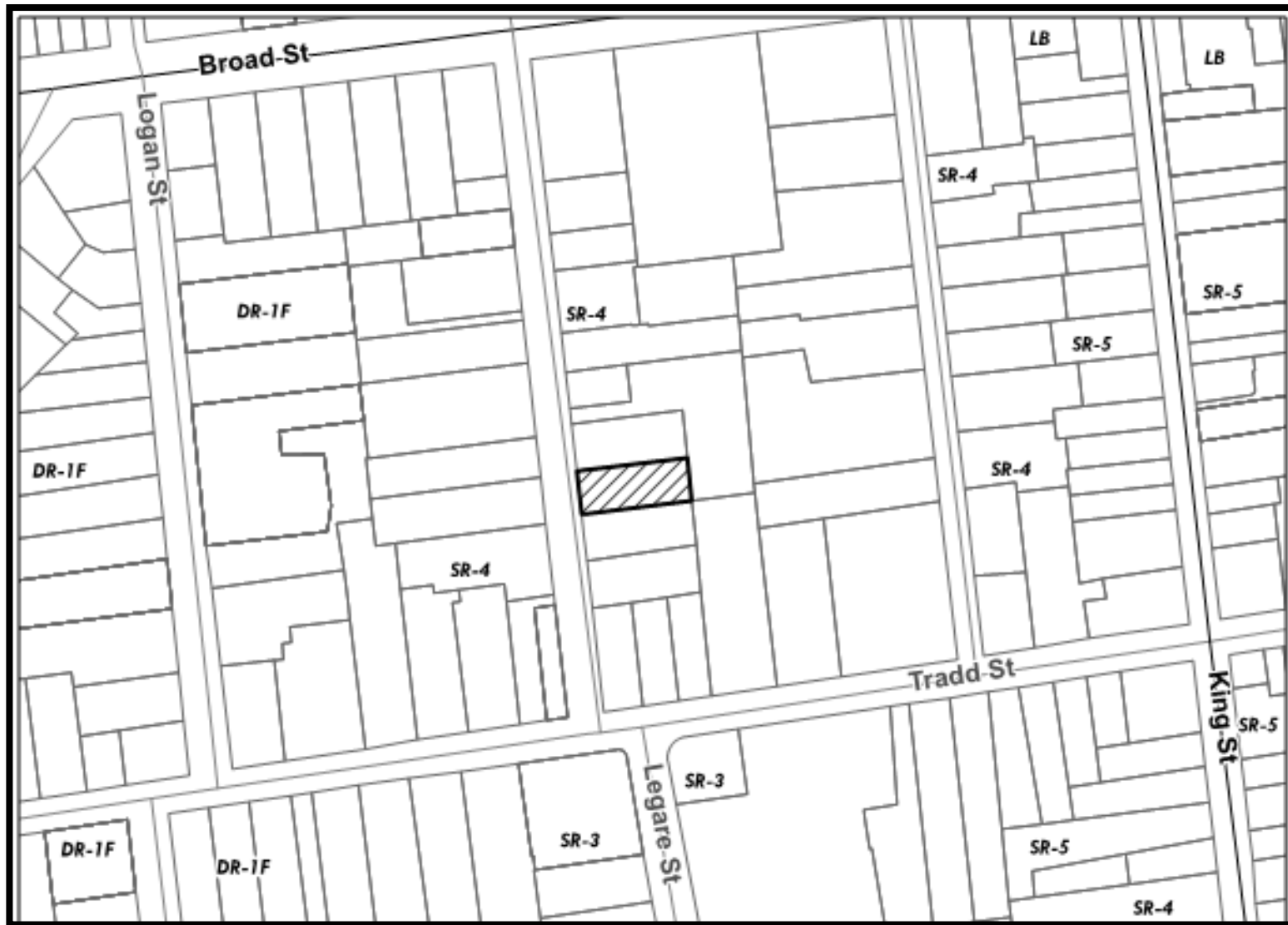
Agenda Item #B-8

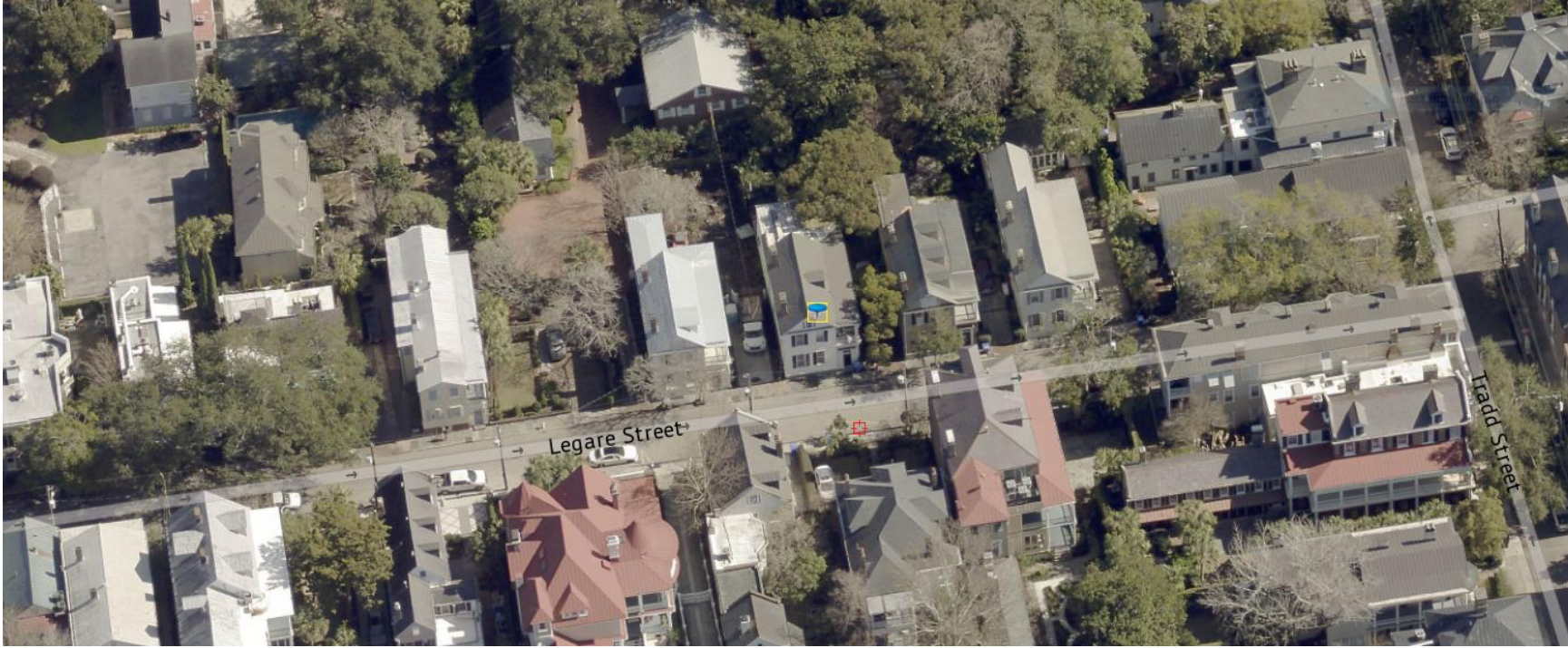
42 LEGARE STREET
(CHARLESTOWNE)
TMS # 457-12-04-092

Request special exception under Sec. 54-110 to allow a horizontal expansion (den/kitchen expansion) and vertical extension (master bedroom/bath) that extends a non-conforming 6-inch north side setback (3-ft. required).

Request variance from Sec. 54-301 to allow a (2-story addition, hvac stand and deck) having a 43% lot occupancy (35% limitation; existing lot occupancy 37%).

Zoned SR-4









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: AUGUST 3, 2021

Property Address 42 LEGARE ST, CHARLESTON SC 29401 TMS # 457-12-04-092

Property Owner HARRISON MALPASS Daytime Phone _____

Applicant AJ ARCHITECTS Daytime Phone 843.810.0029

Applicant's Mailing Address 538 KING STREET, CHARLESTON SC 29403

E-mail Address ashley@ajarch.net

Relationship of applicant to owner (same, representative, prospective buyer, other) architect

Zoning of property SR-4

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 7.2.21

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

see attached letter

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

see attached letter

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

aj architects

Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 42 Legare Street

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 42 Legare Street. My client has purchased this property and would like to renovate the historic residence. There is a poorly constructed rear addition and shed they would like to demolish, and are considering a slightly larger rear addition to accommodate a kitchen and den on the first floor and master suite on the second floor. The lot is zoned SR-4; the existing structure does not meet the minimum n/e side-yard setback, and currently exceeds the maximum lot coverage. So, the proposed design will require the following Zoning approvals:

SPECIAL EXCEPTION:

• **Extension of a single family residence with non-conforming n/e side-yard setbacks.**

Ordinance requires a minimum n/e side-yard setback of 3'-0", and the existing structure encroaches into the setback 2'-6". The proposed addition will extend that 2'-6" encroachment along the north property line.

VARIANCE:

• **Further expansion of a residence that exceeds maximum lot coverage.**

The existing house and shed occupy 37% of the lot, which exceeds the ordinance maximum of 35%. This proposal includes demolition of the shed and rear addition, with a new addition. The configuration of that addition, HVAC stand, and outdoor deck increases the lot coverage to 42%.

With regards to the variance test, this property is unique with regards to the historic single house and it's current configuration. In order to re-work the existing addition to accommodate a modern kitchen and master suite, we must consider the impact on the historic structure, and follow BAR guidelines for additions. Therefore, the addition must align with the existing structure, and work with existing interior circulation. This alignment triggers the extension of the non-conforming side yard set-back, but also limits the configuration of the layout, which, in turn, affects the shape and size of the additions' footprint and lot coverage. We are proposing to relocate the HVAC from the roof to a platform in the rear, which also impacts lot coverage.

While these conditions do apply to other properties in the neighborhood, this property is unique in configuration. We do not believe that the proposed rear addition will impact immediate neighbors negatively, since the addition will replace the existing addition and shed. We have designed the addition with consideration of the immediate neighbors - eliminating windows on the north side and removing HVAC equipment from the roof. We believe this is a reasonable request.

Thank you for your consideration,


Ashley Jennings

PROPOSED RENOVATIONS AND ADDITION: 42 LEGARE STREET

CONTACT INFORMATION

OWNER: HARRISON MALPASS
42 LEGARE ST, CHARLESTON, SOUTH CAROLINA 29401

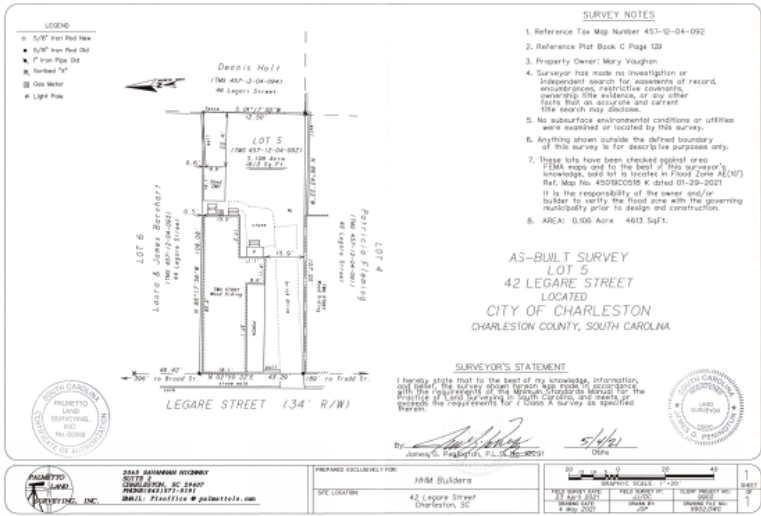
ARCHITECT: A/J ARCHITECTS, LLC
CONTACT: ASHLEY JENNINGS
538 KING STREET, CHARLESTON, SOUTH CAROLINA 29403
T. 843.610.0029

STRUCTURAL ENGINEER: TBD



SCOPE OF WORK/BSA REQUEST:
RENOVATIONS TO THE SINGLE FAMILY RESIDENCE TO REMOVE A REAR ADDITION AND OUTBUILDING, THEN ADD A NEW REAR ADDITION. THE EXISTING HOUSE ENCRDACHES INTO THE 3'-0" N/E SIDE YARD SETBACK BY 2'-0", AND EXCEEDS THE 33% MAXIMUM LOT COVERAGE BY 2%. THIS PROPOSAL EXTENDS THE NON-CONFORMING SIDE YARD SETBACK ENCRDACHMENT OF 2'-0", AND INCREASES THE NONCONFORMING LOT COVERAGE FROM 37% TO 42%.

PREVIOUS APPROVALS:
NONE



all drawings prepared by a registered professional land surveyor are subject to the jurisdiction of the South Carolina Board of Professional Land Surveyors.

architects
angular

ARCHITECT
A/J ARCHITECTS, LLC
538 KING STREET
CHARLESTON, SC 29403

ARCHITECT
A/J ARCHITECTS, LLC
538 KING STREET
CHARLESTON, SC 29403

538 KING STREET
CHARLESTON, SC 29403
843.577.7230
843.577.8000

reference to
42 LEGARE ST
CHARLESTON, SC

DESIGNED
DRAWN
CHECKED

DATE
7/1/2021

REVISIONS

SHEET
COVER



all drawings property of g.j. architects
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written consent of g.j. architects
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g.j. architects

STATE OF SOUTH CAROLINA
REGISTERED ARCHITECT
42467
JAMES J. GILBERT
EXPIRATION DATE 12/31/15
BOULDER HILLS, SOUTH CAROLINA

STATE OF SOUTH CAROLINA
REGISTERED ARCHITECT
42467
JAMES J. GILBERT
EXPIRATION DATE 12/31/15
BOULDER HILLS, SOUTH CAROLINA

238 KING STREET
CHARLESTON, S.C.
29403
843.577.7030 PHONE
843.577.8647 FAX

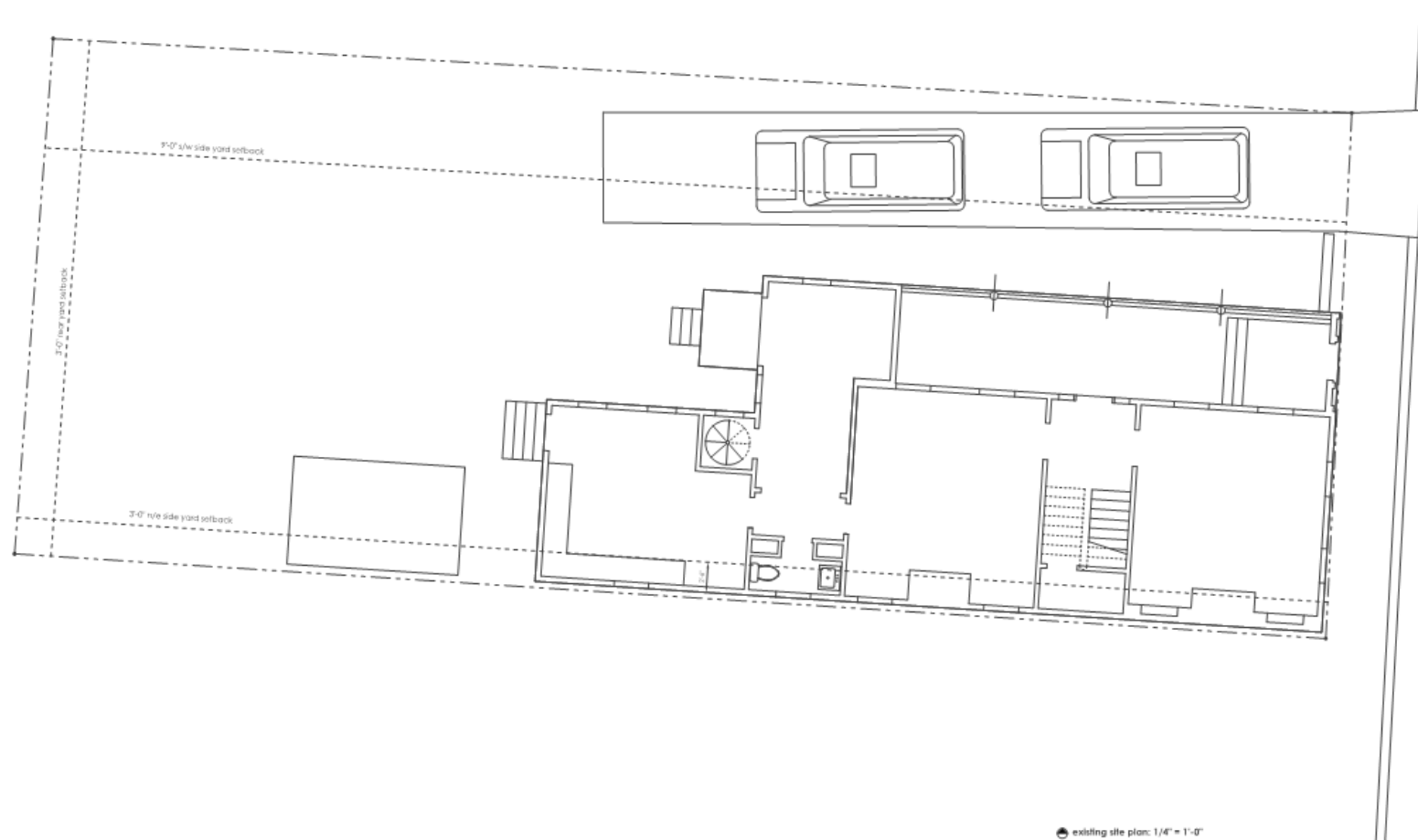
Prepared by:
42 LEGARE ST
CHARLESTON, SC

604

DESIGNED
(JG)
DRAWN
(JG)
CHECKED
(JG)

D A T E
7/11/2015
REVISIONS

S H E E T
PHOTO



existing site plan: 1/4" = 1'-0"

ZONING INFORMATION:

map: 407.13-04-DP2
 zoning: SR-4
 lot size: 4,613 SF
 setbacks:

front: 18', **conforming**

rear: 2'-0", **non-conforming**

north/south side: 3'-0", **non-conforming**

east/west side: 9'-0", **conforming**

lot coverage: 35% maximum, 3,542 existing house footprint = 126 shed footprint = 1,668, 37%, **non-conforming**

parking: 2.5 car per residence = 2 spaces, 2 spaces proposed, **conforming**

floor area: 4205, DP2 11.D.m.d

all drawings prepared by a architect,
 or a registered architect for review,
 submission or a architect,
 a architect

d architects

Rectangular Ship



538 KING STREET
 CHARLESTON, S.C.
 29404

843-577-7030 phone
 843-577-8040 fax

redeveloped by
42 LEGARE ST
 CHARLESTON, SC

RDA

DESIGNED

ok

DRAWN

ok

CHECKED

ok

DATUM

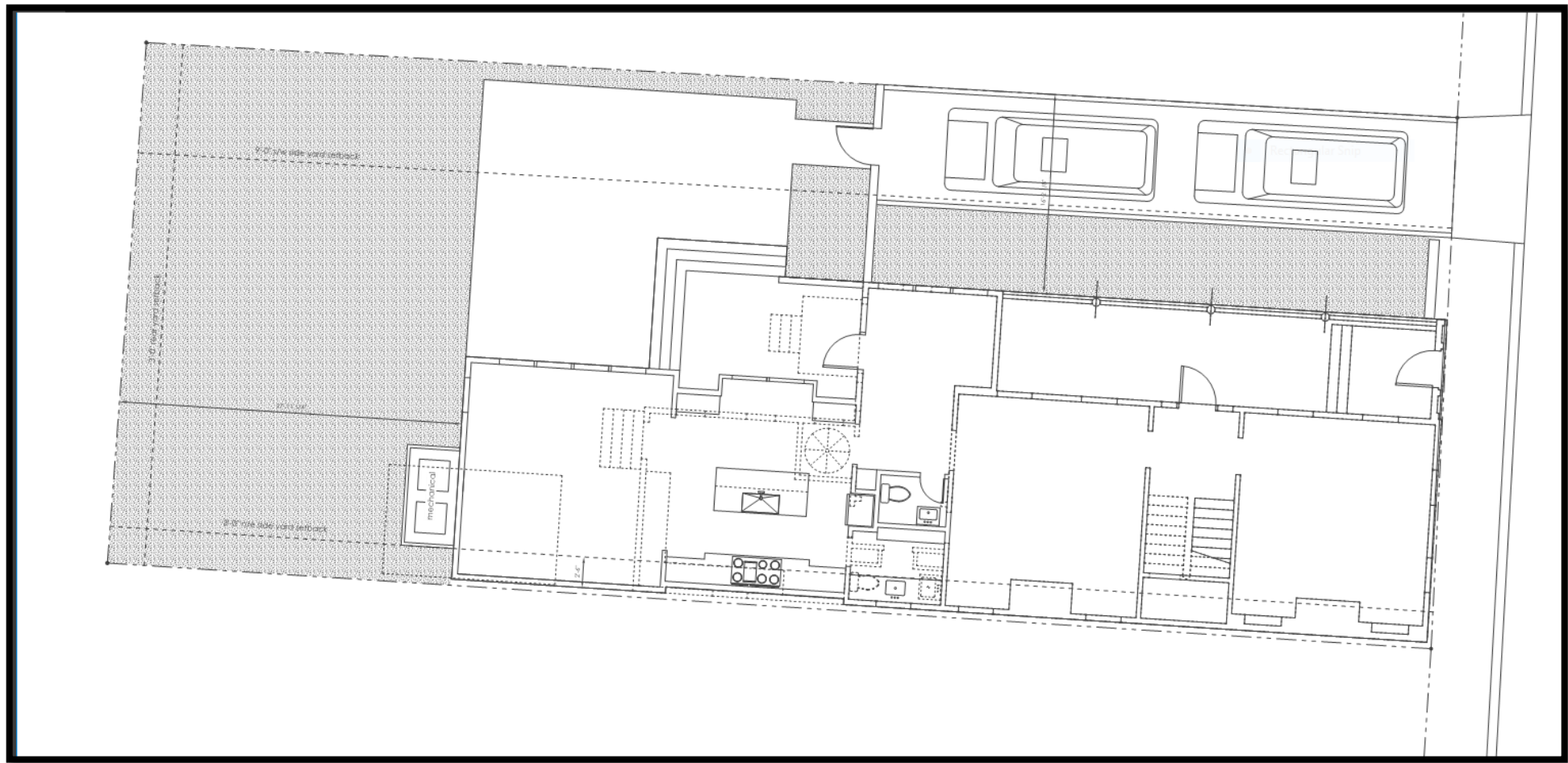
7/1/2021

REVISIONS

SHEET

A1.1

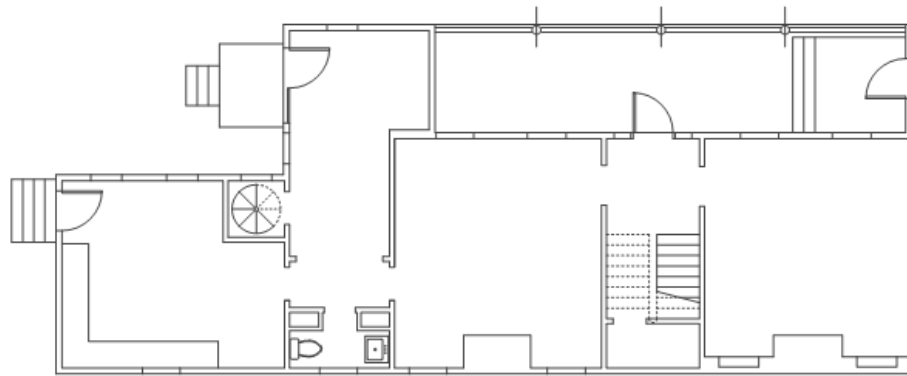
SITE PLAN



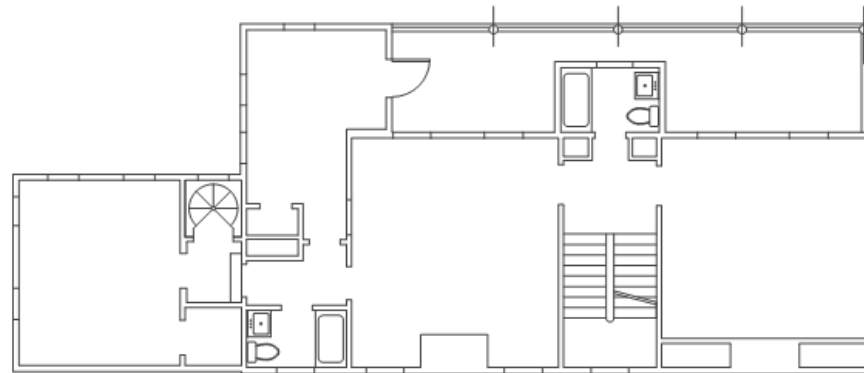
proposed site plan: 1/4" = 1'-0"

ZONING INFORMATION:

TMS	457-12-04-092
zoning	SR-4
lot size	4,613 SF
setbacks	front: NR, conforming rear: 3'-0', conforming north/east side: 3'-0', non-conforming, REQUEST SPECIAL EXCEPTION south/west side: 9'-0', conforming
lot coverage:	35% maximum, 1,990 existing house with addition, 43%, non-conforming, REQUEST VARIANCE
parking:	2 cars per residence = 2 spaces, 2 spaces proposed, conforming
flood zone:	AE10, DFE 11.0msl



existing first floor plan: 1/4" = 1'-0"



existing second floor plan: 1/4" = 1'-0"

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p.c. 11/16/2021

g.j. architects
angular ship

STATE OF SOUTH CAROLINA
ABNEY
CURTIS
THOMAS
Charleston, SC
29403
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
AJ ARCHITECTS
LLC
Charleston, SC
29403
SOUTH CAROLINA

238 KING STREET
CHARLESTON, S.C.
29403
843.577.7030 phone
843.577.8040 fax

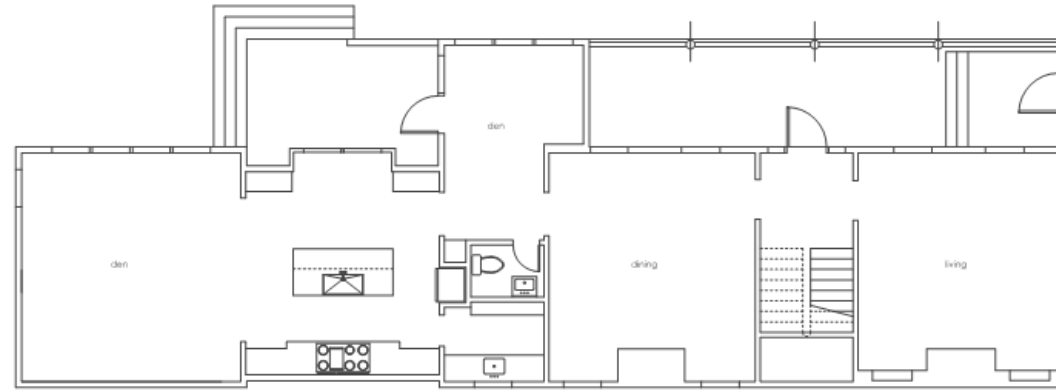
preparation by
42 LEGARE ST
CHARLESTON, SC

REA

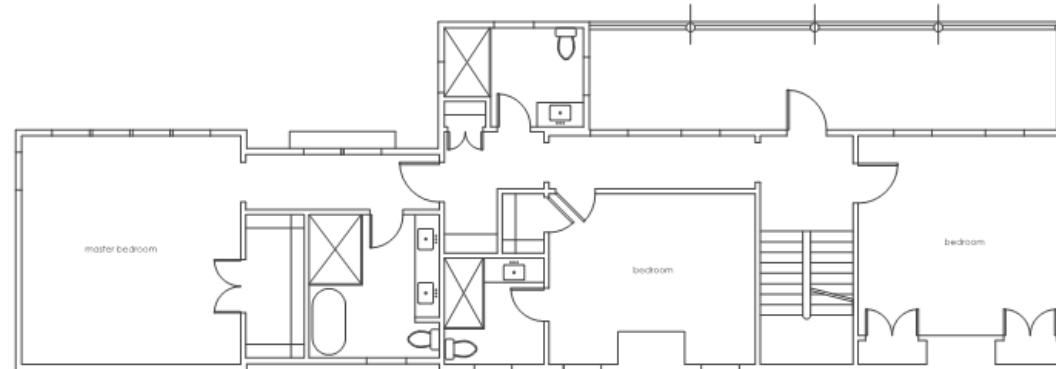
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BY
DRAWN
BY
CHECKED
BY

DATE
7-1-2021
REVISIONS

SHEET
A3.1
PLANS



proposed first floor plan: 1/4" = 1'-0"



proposed second floor plan: 1/4" = 1'-0"

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llc. is prohibited.

gj architects
Angular Step



538 KING STREET
CHARLESTON, S.C.
29403
843-577-7030 phone
843-577-8040 fax

represented by
42 LEGARE ST
CHARLESTON, SC

10X

DESIGNED
ajj
DRAWN
ajj
CHECKED
ajj

DATE
7/1/2021
REVISIONS

SHEET
A3.2
PLANS



existing west elevation: 1/4" = 1'-0"



existing south elevation: 1/4" = 1'-0"



existing east elevation: 1/4" = 1'-0"



existing north elevation: 1/4" = 1'-0"

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P.C. & ASSOCIATES

dj architects
Angular Snip



538 KING STREET
CHARLESTON, S.C.
29403
843-577-7030 phone
843-577-8040 fax

represented by
42 LEGARE ST
CHARLESTON, SC

10X

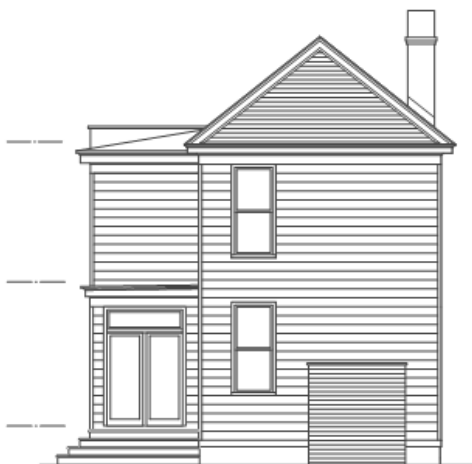
DESIGNED
BY
DRAWN
BY
CHECKED
BY

DATE
7-1-2021
REVISIONS

SHEET

A4.1

ELEVATIONS



of drawings property of a architect,
 i.e., signature without the express
 authorization of a architect,
 i.e., a forgery.



538 KING STREET
CHARLESTON, S.C.
2 9 4 0 3

843-577-7030 phone
843-577-8040 fax

relocations to
42 LEGARE ST
CHARLESTON, SC

152

DESIGNED

ok

D R A W N

(c)

C H E C K E D

(civ)

D A T E

7•1•200

REVISIONS

S H E E T

A4.2

ELEVATIONS

Agenda Item #B-9

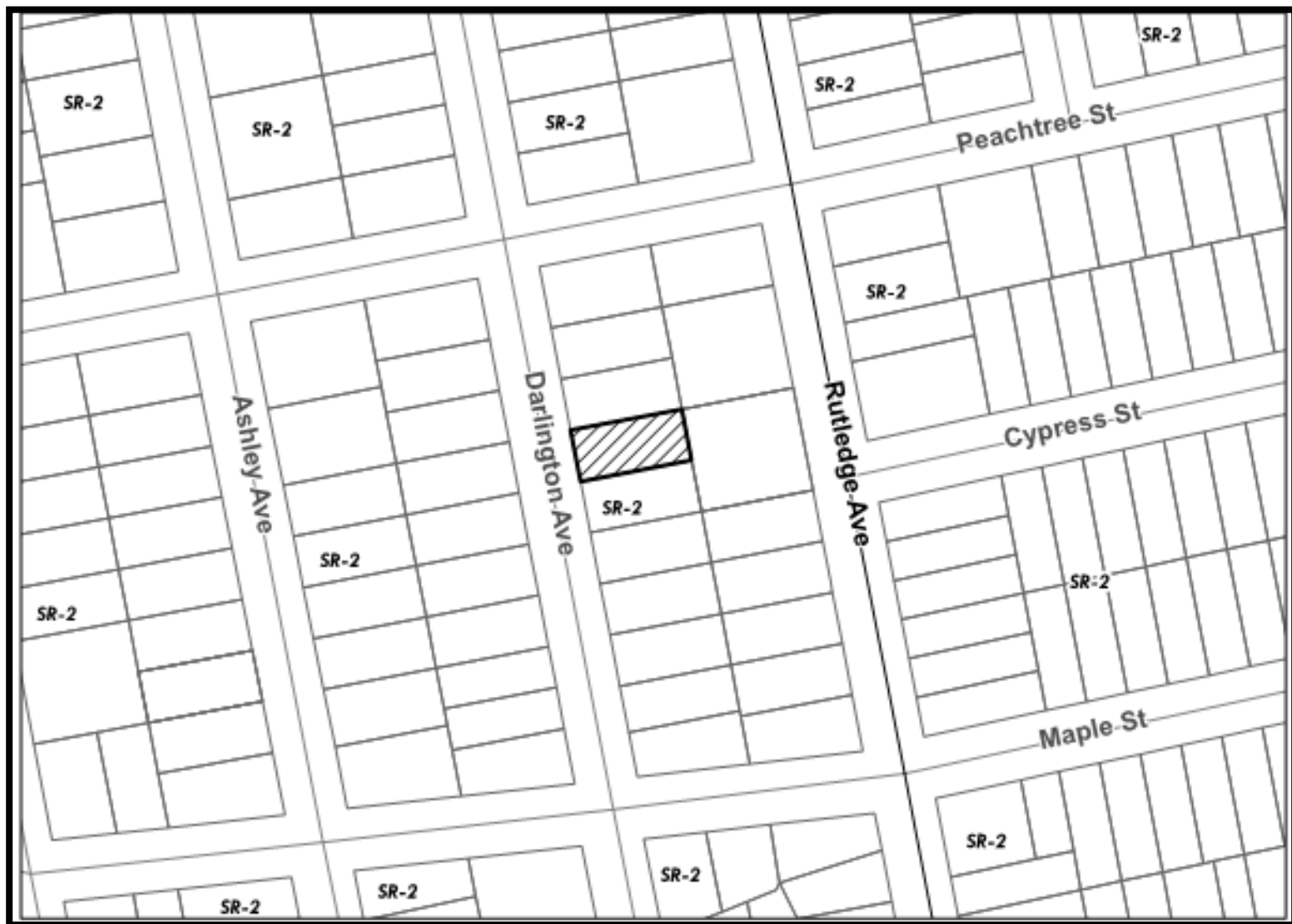
66 DARLINGTON AVENUE

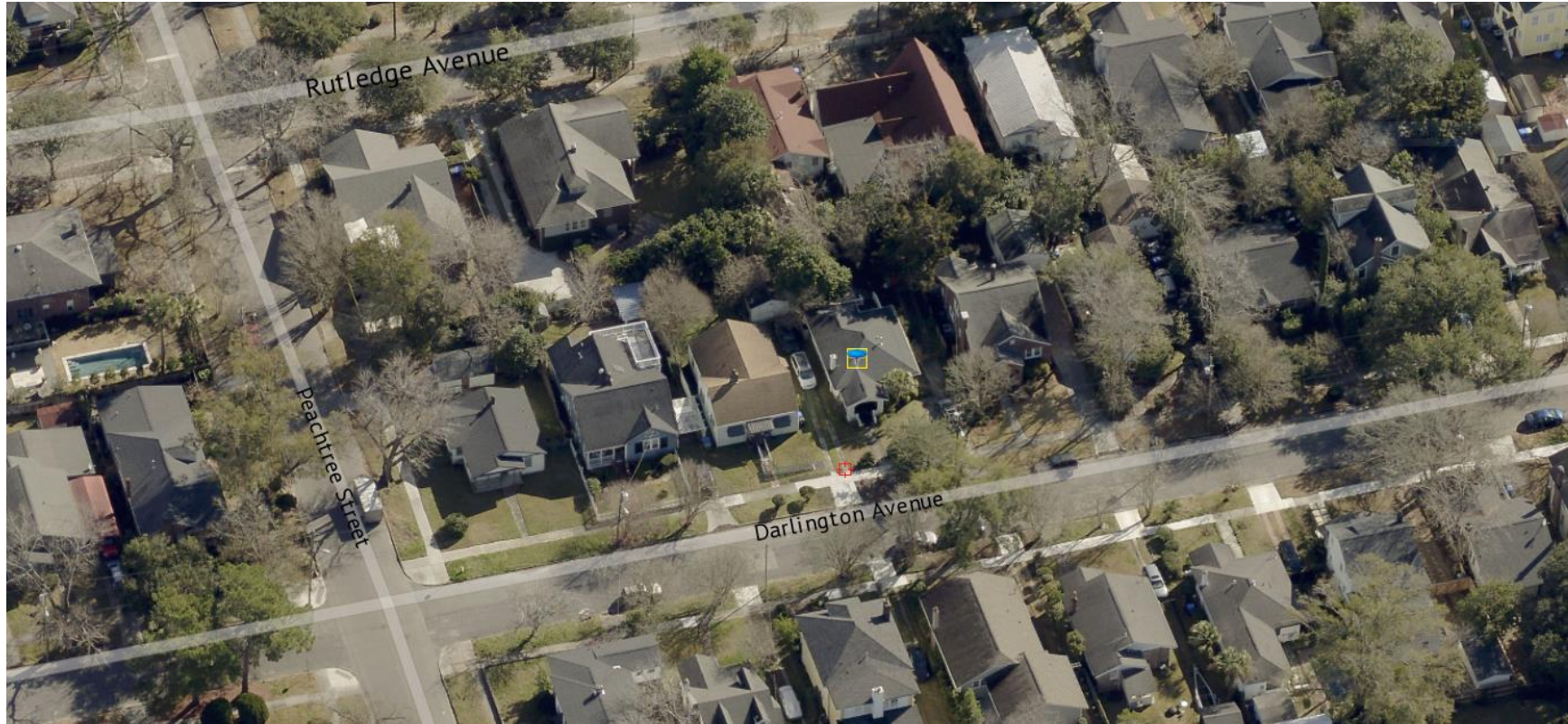
(WAGENER TERRACE)

TMS # 463-11-02-128

Request special exception under Sec. 54-110 to allow a detached accessory building (storage/office/guest room) that extends a non-conforming 1.5-ft. south side setback, a non-conforming 2.5-ft. rear setback (9-ft. and 25-ft. required).

Zoned SR-2









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: August 4th, 2021

Property Address 66 Darlington Ave 29403 TMS # 463-11-02-128

Property Owner Caitlin Dirkes Type text here Daytime Phone 516-639-1252

Applicant Caitlin Dirkes Daytime Phone 516-639-1252

Applicant's Mailing Address 66 Darlington Ave, Charleston, SC 29403

E-mail Address cbdirkes@gmail.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property SR-2

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Caitlin Dirkes Date 6/27/2021

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

1. The existing structure's real wall currently sits within an exceptional proximity of the property line. The proposed structure will maintain that proximity in order to utilize the existing footprint of the structure.
2. Neighboring homes have historic or new structures within the same proximity of the property line.
3. Given the existing structure and variance, in order to modify the structure which is currently structurally unsound, this exception is being requested.
4. Both neighbors are supportive of our plans and given we are modifying an existing structure will only serve to increase the character of the district.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

66 DARLINGTON AVE



Rectangular Shed

PROJECT INFORMATION	
Client:	Marshall Simmons & Caitlin Dukes
Parcel ID:	463-11-02-128
Owner:	Marshall Simmons & Caitlin Dukes
Prop St Number:	66
Prop St Name:	Darlington Ave
Prop Type:	Single Family
Acres:	6.503 Sft.
Zone:	R-2
Jurisdiction:	Wagner Terrace
Flood Zone:	X
Existing Non-Heated:	204 Sft.
Proposed Heated:	362 Sft.
Existing Lot Coverage:	32%
Proposed Lot Coverage:	35.8%

PROJECT NOTES	
ALL WORK SHALL BE COMPLIANT WITH THE FOLLOWING APPLICABLE CODES, INCLUDING SC STATEWIDE MODIFICATIONS:	
2018 INTERNATIONAL RESIDENTIAL CODE	
2018 MECHANICAL	
2018 PLUMBING	
2018 FIRE PROTECTION	
2017 ELECTRICAL	
2009 ENERGY CODES	
1. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF DEMOLITION AND CONSTRUCTION.	
2. THE GC SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ANY STRUCTURE TO BE REMOVED AND PROVIDE ALL APPROPRIATE AND NECESSARY SHORING OR SUPPORT FOR OVER-HEAD WORK.	
3. THESE DOCUMENTS AND THE INFORMATION CONTAINED DO NOT RELIEVE THE G.C. FROM THEIR OBLIGATION TO MEET NATIONAL, STATE, AND LOCAL BUILDING CODES AND LAWS.	
4. THE G.C. IS RESPONSIBLE FOR COORDINATING CONSTRUCTION SEQUENCING, SITE MANAGEMENT, TEMPORARY FACILITIES, DELIVERIES, AND STORAGE WITH THE OWNER'S REP OR PROPERTY MANAGER.	
5. THE G.C. SHALL BE RESPONSIBLE FOR COORDINATING INTERIOR WORK OF INDIVIDUAL UNITS INCLUDING ACCESS, SAFETY, SECURITY, AND CLEANLINESS. A VISUAL SURVEY AND DOCUMENTATION OF EACH UNIT SHALL BE PERFORMED PRIOR TO CONSTRUCTION.	
6. G.C. MUST INSTALL PRODUCTS AND MATERIALS PER MANUFACTURER'S INSTRUCTIONS INCLUDING BUT NOT LIMITED TO FASTENER, FINISHING, AND CALLING REQUIREMENTS.	
7. SHOULD THE GC ENCOUNTER HAZARDOUS MATERIALS, THEY ARE RESPONSIBLE FOR NOTIFYING THE OWNER AND ARCHITECT PRIOR TO PROCEEDING ANY FURTHER. A PLAN WILL BE DEVELOPED FOR THE SAFE AND LAWFUL REMOVAL AND DISPOSAL OF SAID MATERIALS.	

SHEETS	
A100	COVER SHEET
A101	GENERAL CONDITIONS
A102	SITE PLAN
A103	FOUNDATION PLAN
A104	FOUNDING PLAN
A105	ROOF PLAN
A106	EXTERIOR ELEVATIONS
A107	EXTERIOR ELEVATIONS
A108	1ST FLOOR PLANS
A109	SECTION DETAILS
A110	INTERIOR ELEVATIONS
A111	INTERIOR ELEVATIONS
A112	INTERIOR ELEVATIONS
A113	INTERIOR ELEVATIONS
E100	1ST FLOOR ELECTRICAL PLAN
E101	2ND FLOOR ELECTRICAL PLAN

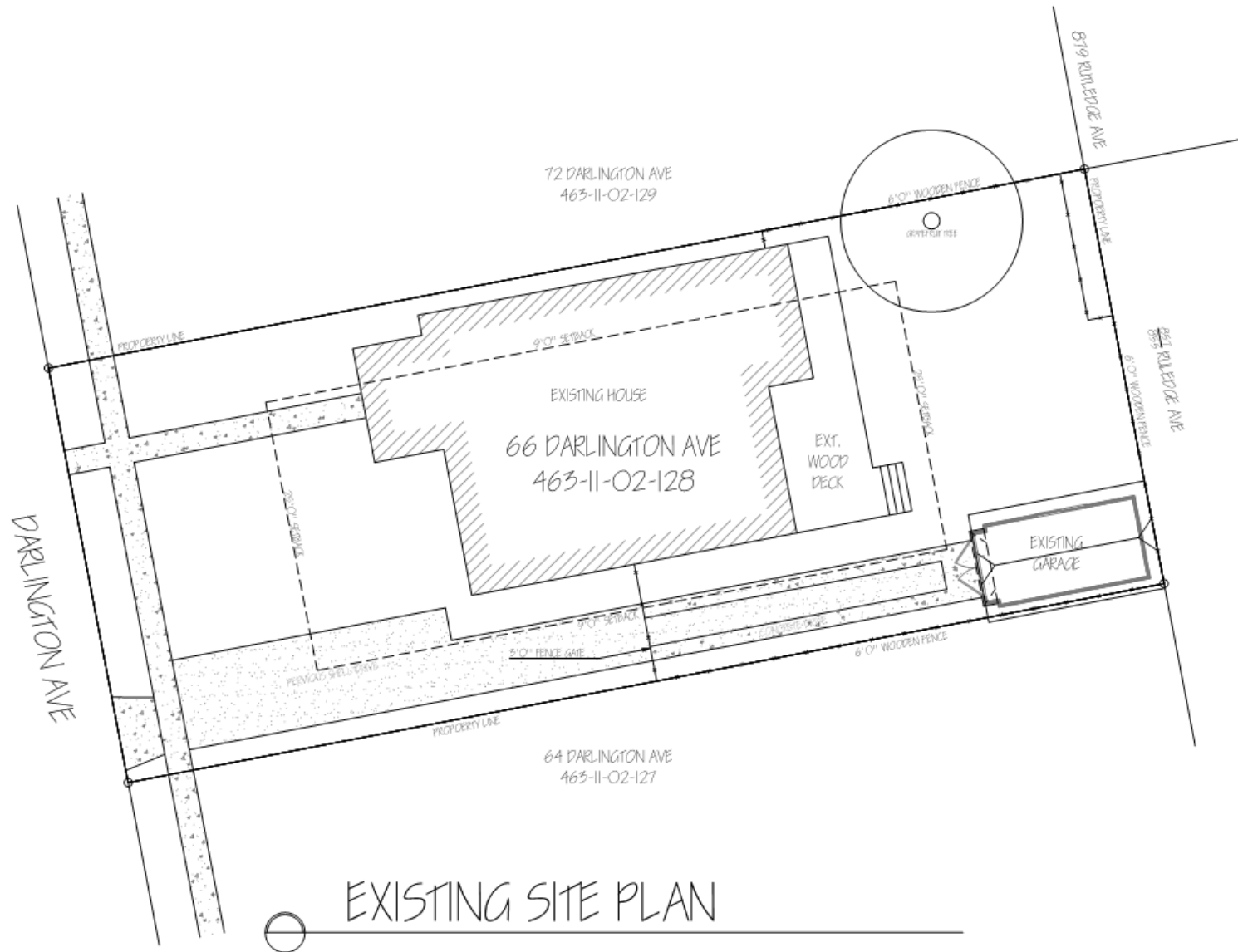
UNIVERSITY OF NORTH CAROLINA
LIBRARY/INFORMATIONAL LIAISON
PROJECT 2020

Sheet 1 of 1

1-2-2020

A100

66 Darlington Ave, Charlotte, NC 28213



Rectangular Snip

DRYFUS & LADD LLC/DRNELL
LELAND@DRYFUSLADD.COM
754.877.2706

Drawn: S. O'Hara

9/6/2021

3/16" = 1'-0"

A102

66 Darlington Ave, Charleston, SC 29405

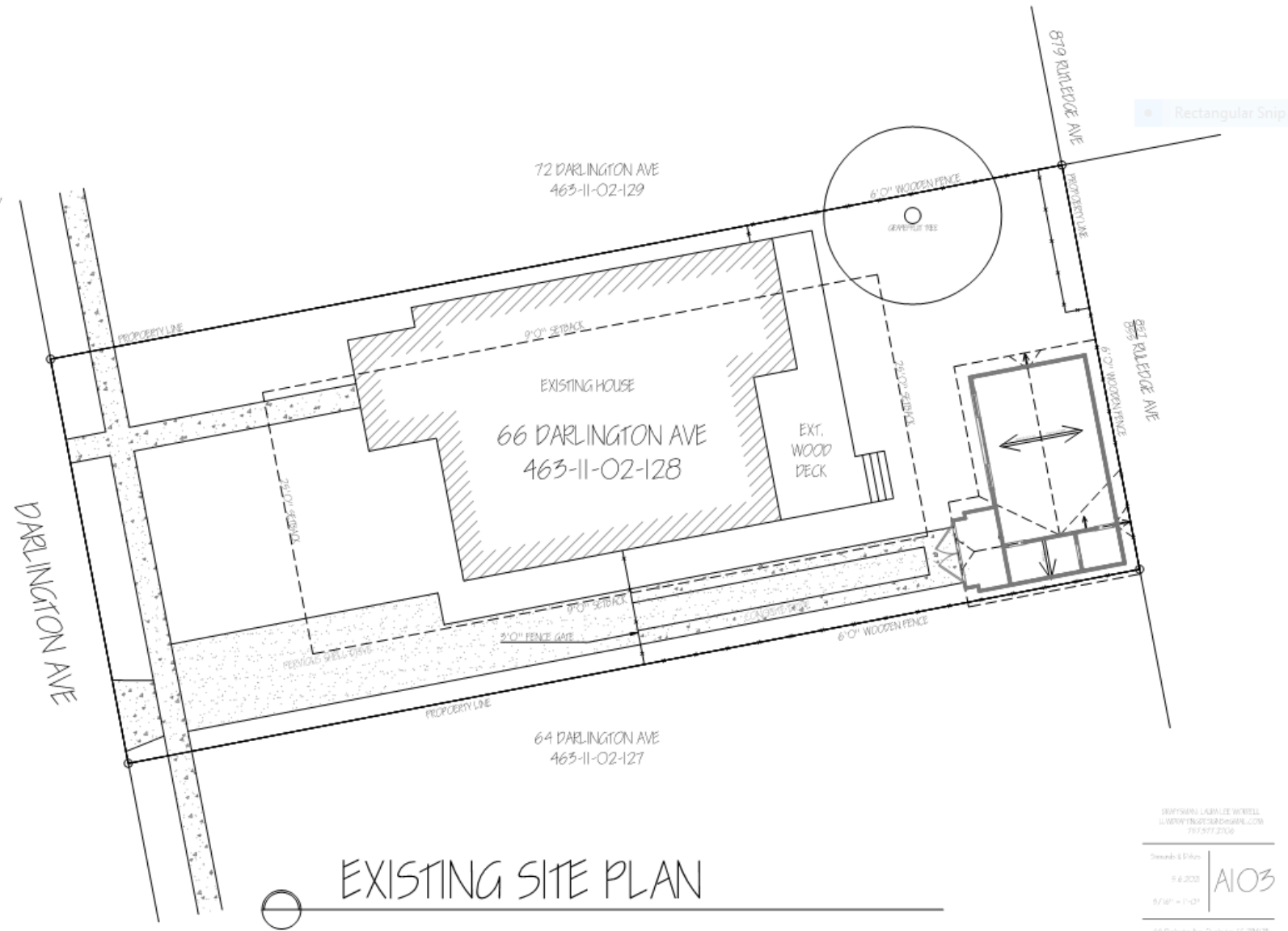
EXISTING SITE PLAN

GENERAL NOTES

CONTRACTOR TO COMPLY WITH ALL CITY TREE PROTECTION ORDINANCES.

TREES GREATER THAN 24" DIA. AT 4'-6" FROM GROUND TO BE PROTECTED WITH AT MINIMUM 4'0" FENCING AROUND GRAND TREES.

ANY TRIMMING TO BE COMPLETED BY A LICENSED ARBORISTS.



DRIFTWOOD LANDSCAPE ARCHITECT
 11000 YOUNG BLVD. SUITE 100
 771.577.2706

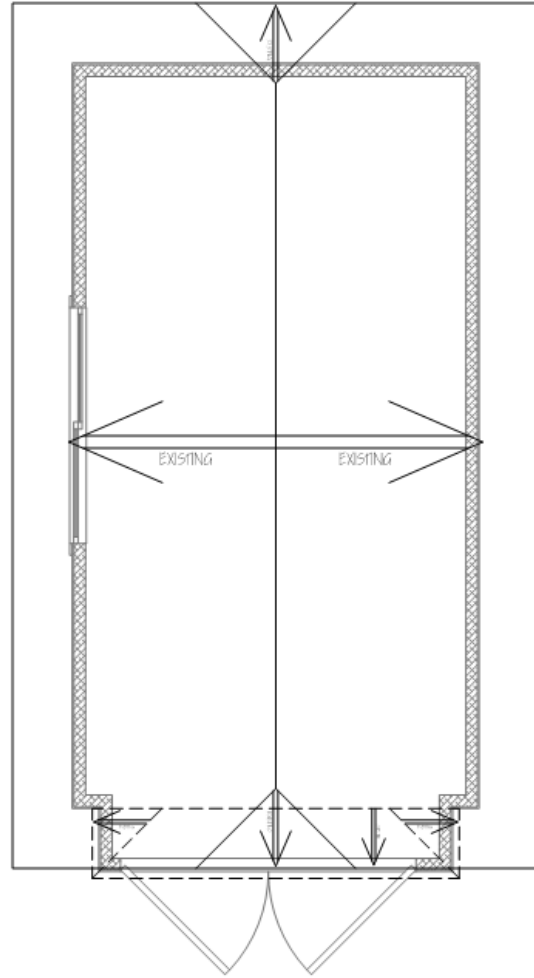
Drawn & Edited

9.6.2023

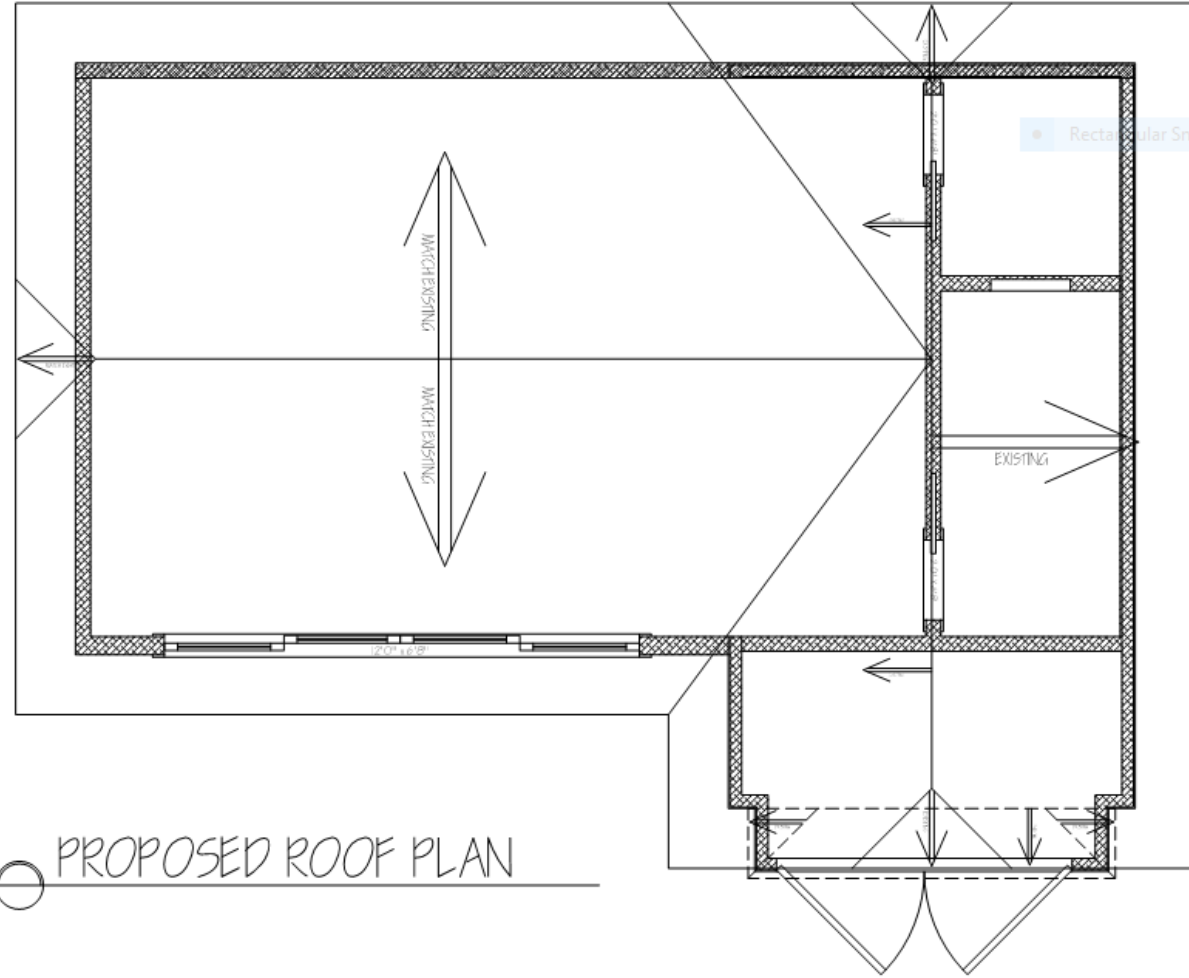
1/2" = 1'-0"

A103

66 Darlington Ave, Charleston, SC 29412



EXISTING ROOF PLAN



PROPOSED ROOF PLAN

PORTER & LARSEN, INC.
11000 N. 11TH AVE., SUITE 100
DENVER, CO 80231

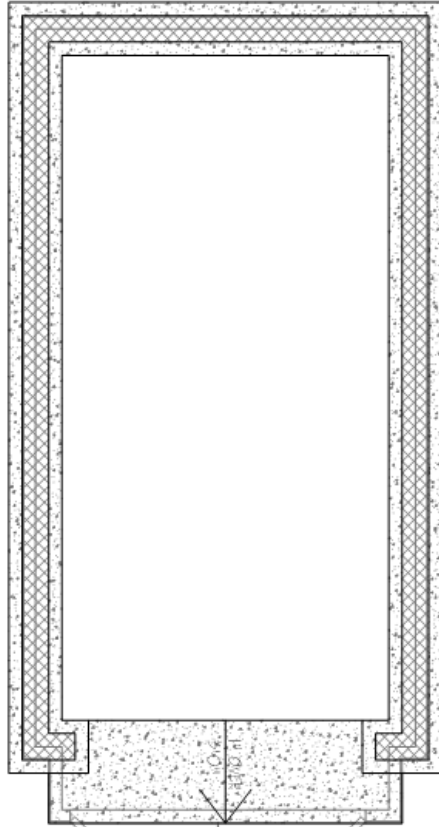
Drawn by: S. S. S.

11/11/2020

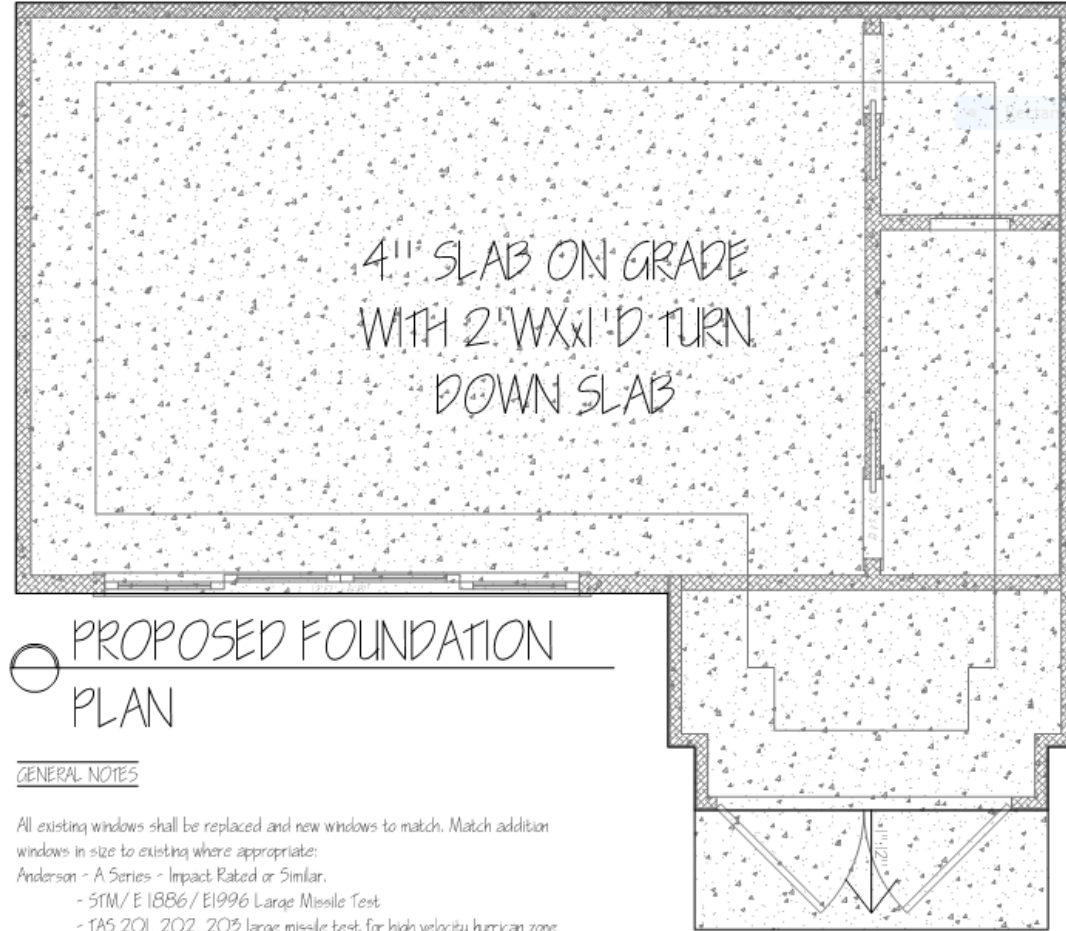
1/4" = 1'-0"

A104

600 E. Hampden Ave., Suite 100, Denver, CO 80209



EXISTING FOUNDATION
PLAN



PROPOSED FOUNDATION
PLAN

GENERAL NOTES

All existing windows shall be replaced and new windows to match. Match addition windows in size to existing where appropriate:
 Anderson - A Series - Impact Rated or Similar.
 - STM/ E 1886 / E1996 Large Missile Test
 - TAS 201, 202, 203 large missile test for high velocity hurricane zone (HVHZ)
 - AAME / WDPA / CSA 101 / I.5.2 A440-08
 Window Finish to be Black, verify with owner.
 GC to provide required blocking, shims, sill panes, head flashing, jamb flashing, and sealants.
 Glazing shall be 1" insulated unit, tempered where indicated, clear SHGC to be 0.3, with U-Factor of 0.35 or better.
 Provide insect screens.

DRIFTWALL LABRILEE WOBELL
 LABRILEE@DRIFTWALL.COM
 757.877.2706

Revised 8/2/2020

9/8/2020

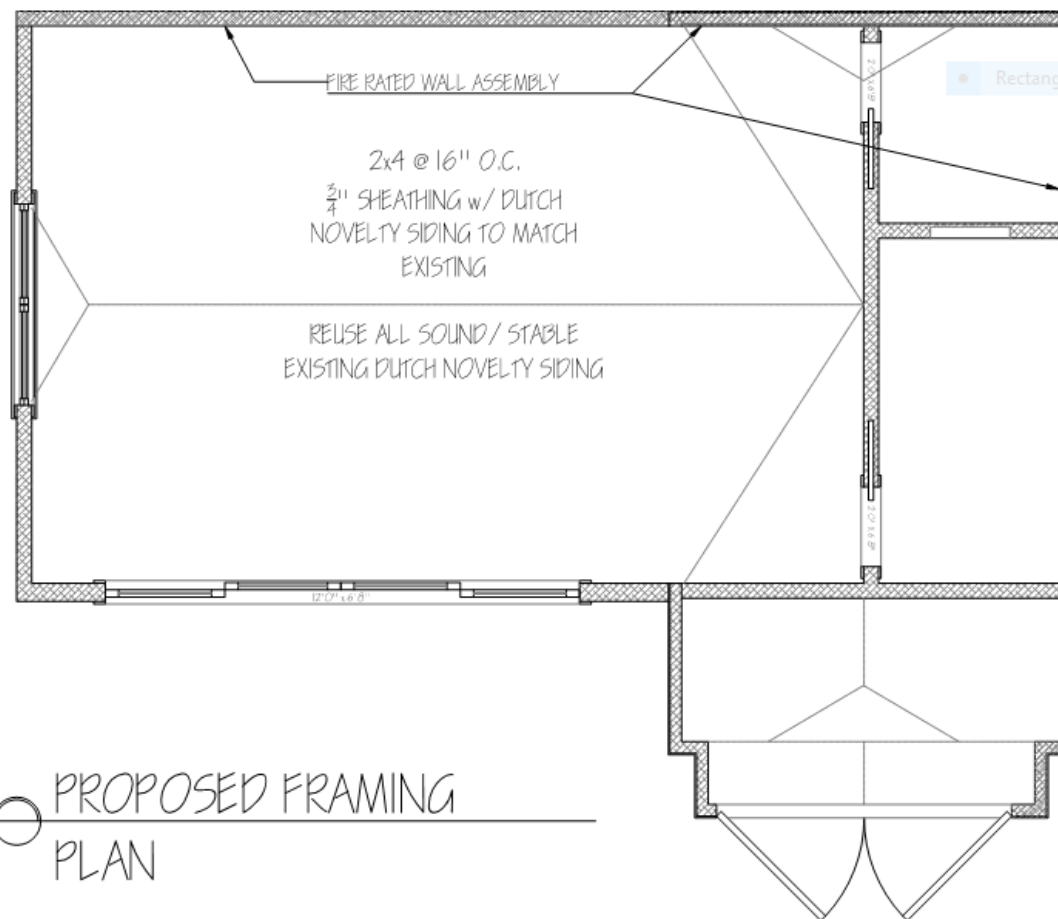
5/4" = 1'-0"

AI05

60 Driftwall Pk., Charleston, SC 29405



○ EXISTING FRAMING
PLAN



○ PROPOSED FRAMING
PLAN

SOFTWARE LAB/LEE WITTELL
BLISSOFFINDESIGNGROUP.COM
781.571.2106

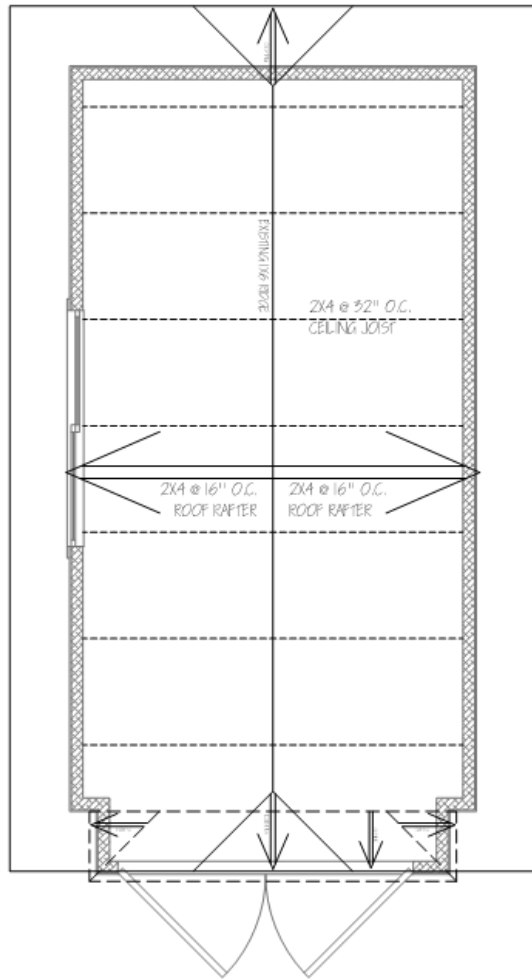
Revised: 3/2020

9.6.2020

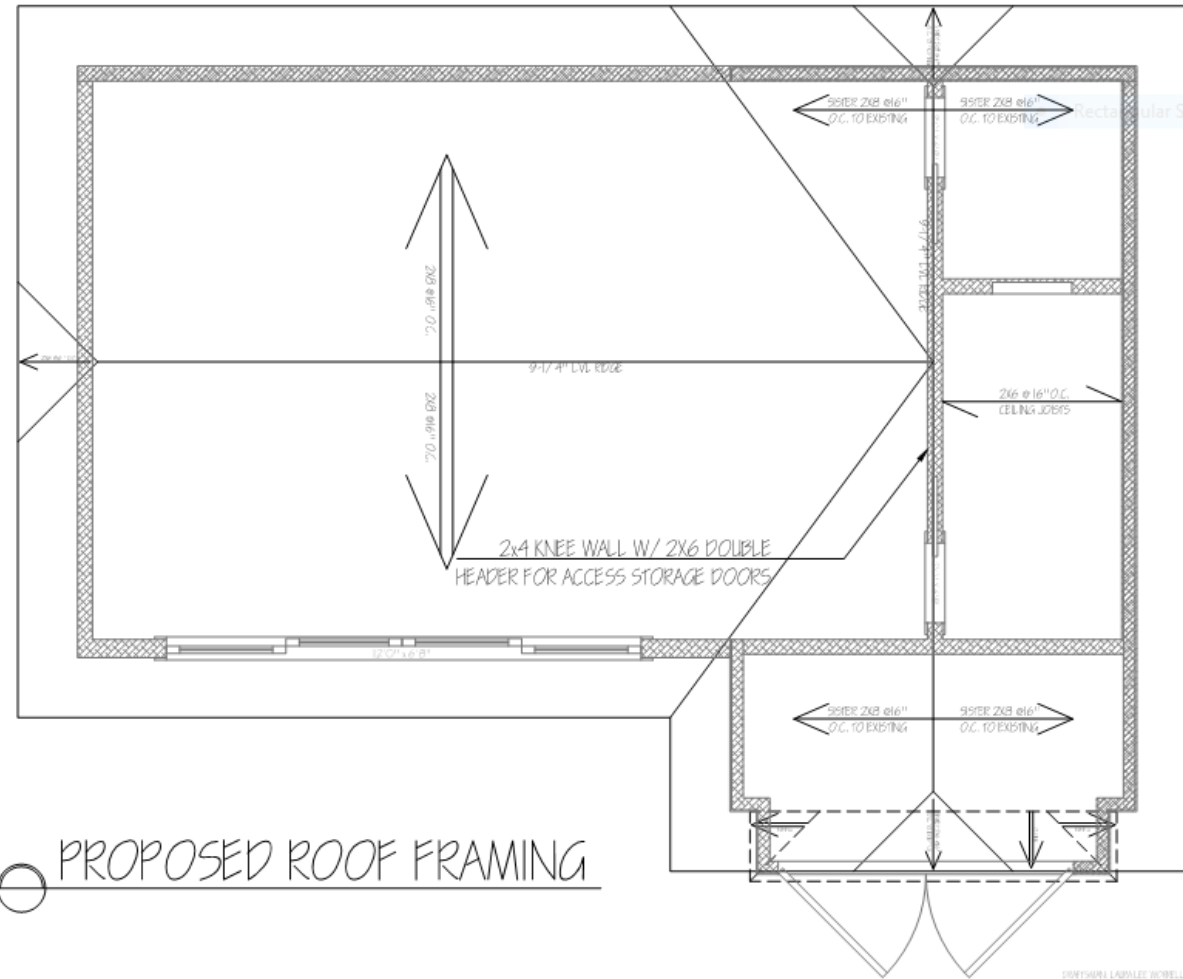
5/4" = 1'-0"

A106

68 Eastman Ave, Charleston, SC 29405



EXISTING ROOF FRAMING



PROPOSED ROOF FRAMING

ORTHOGONAL LABELED ROOF
LAYOUT: 10/10/2018
7/1/17/2100

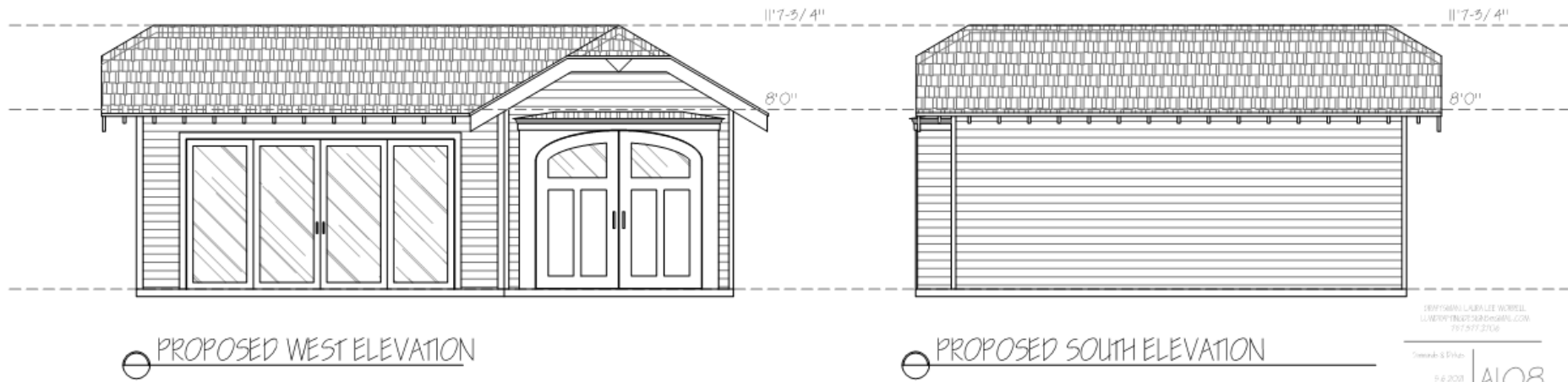
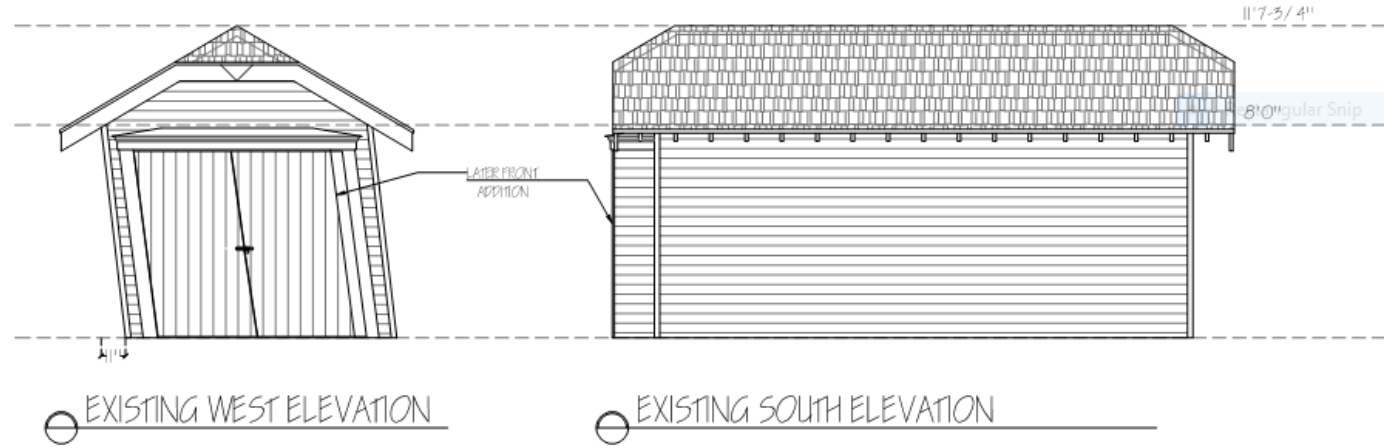
Revised & Drawn

6/6/2018

1/2\"/>

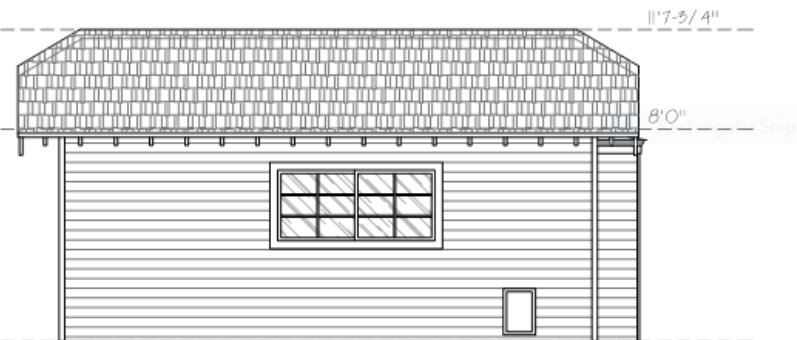
A107

400 Washington Ave, Greenville, SC 29603

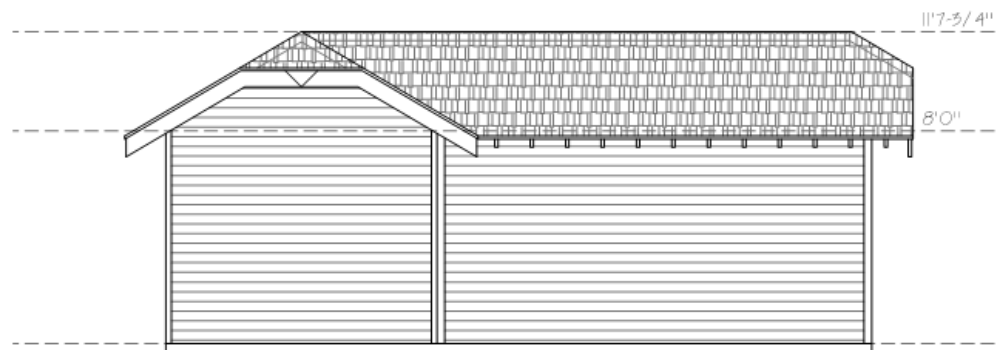




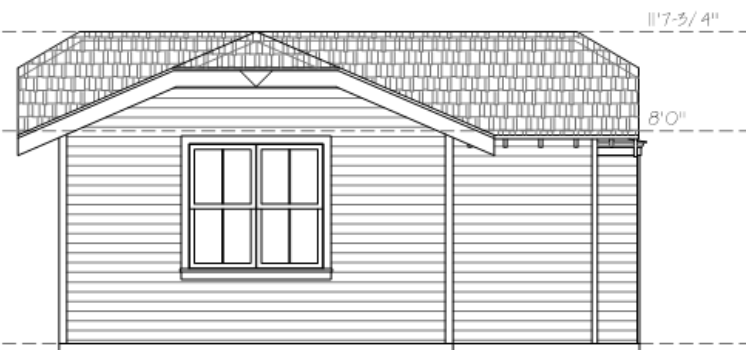
EXISTING EAST ELEVATION



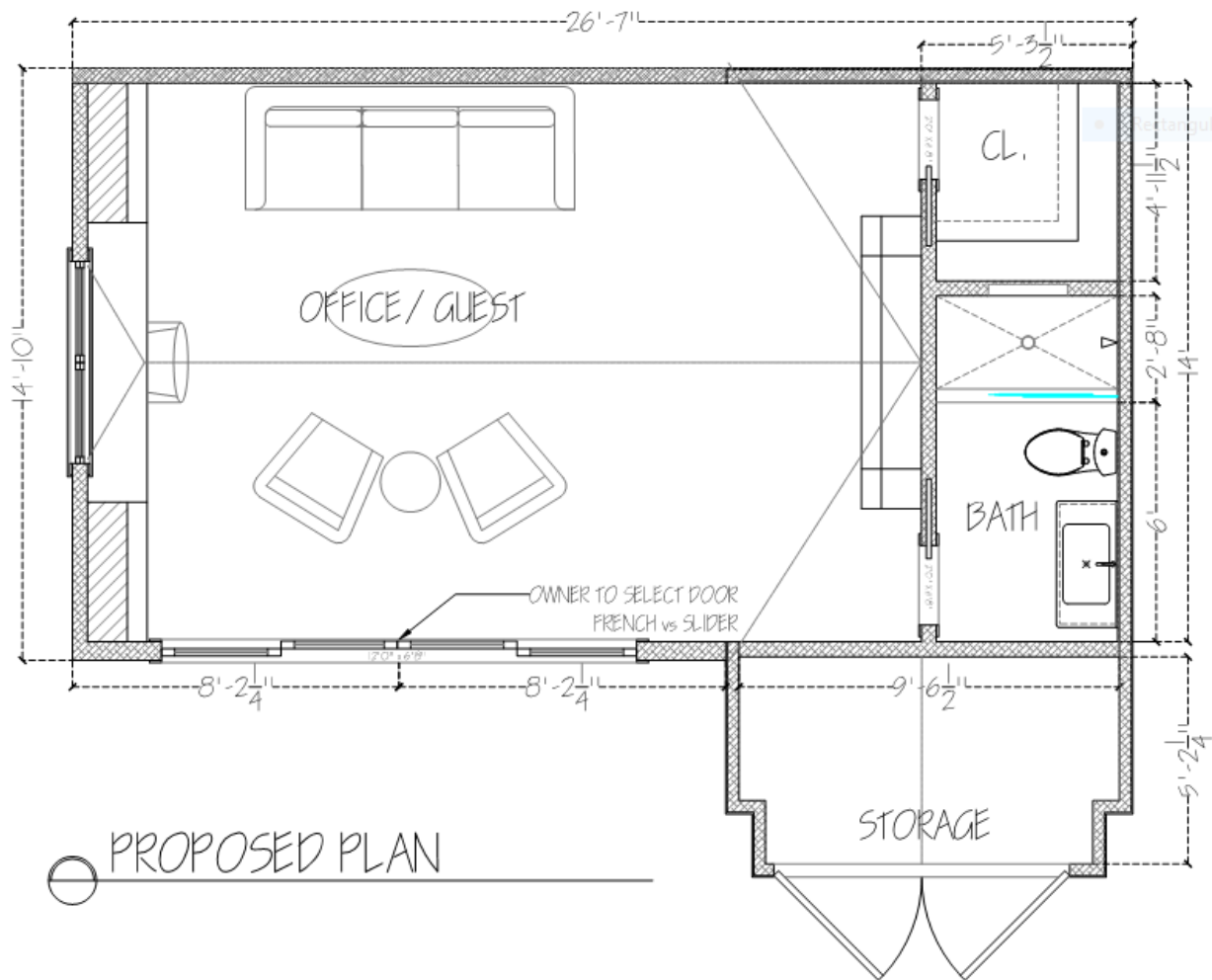
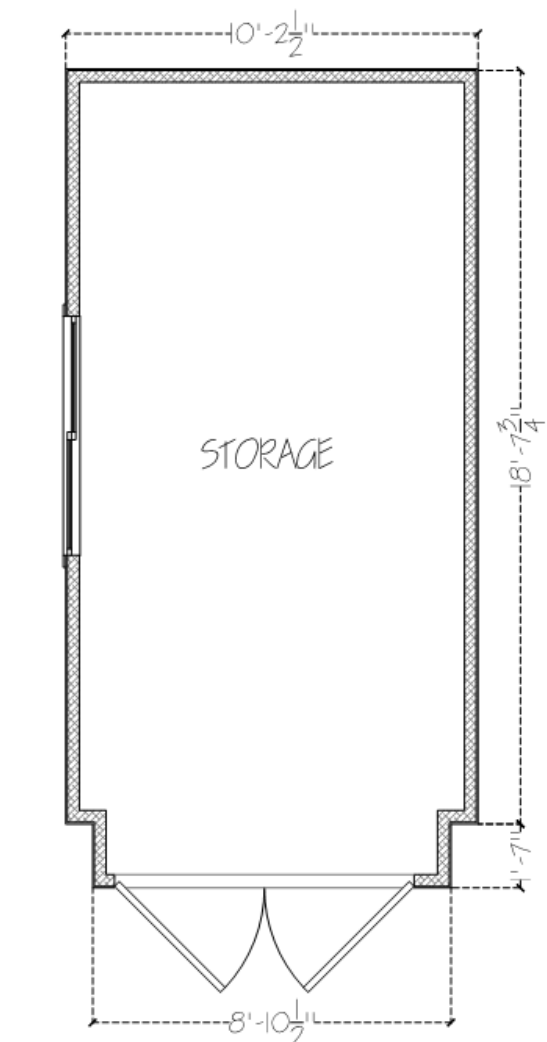
EXISTING NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



DEVELOPMENT: LARABEE WATKINS
WWW.THEDESIGNER.COM
781.977.2706

Concepts & Design

9.6.2023

5' x 4" x 1'-0"

AIIO

40 Parkside Ave, Charleston, SC 29403